STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. D. M. Ladd

DATE: January 14, 1953

FROM : A. H. Belmont

SUBJECT: EDWARD BENNETT WILLIAMS

Limited Classification
Review Conducted
See Top Serial
Form 4-774

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Winterrowd
Tele. Rm.
Holloman
Gandy
Nichols

PURPOSE:

To advise you pursuant to a request from the Director of information from our files concerning the captioned individual.

BACKGROUND:

By memorandum dated January 12, 1953, Mr. Scatterday advised Mr. Ladd that the Director desired a complete summary of all information in the files of this Bureau concerning Williams together with any information which could be discreetly ascertained by the Washington Field Office without conducting any investigation.

SYNOPSIS:

SUMMARY

Edward Bennett Williams born Hartford, Connecticut, May 31, 1920. Received A.B. Degree Holy Cross College, Worcester, Massachusetts, 1941. Applied for position of clerk with Bureau, 1941; recommended unfavorably. Received LL.B. Degree, Georgetown University, Washington, D. C., 1944. Admitted to District of Columbia Bar, 1944. Professor of Criminal Law and Evidence, Georgetown University, 1946 to present. Active in local bar association affairs. Admitted to practice before Supreme Court of U.S., 1947. Member of law firm of Chase and Williams, March, 1949, to February, 1951. Presently maintains law office at 839 17th Street, N. W., Washington, D. C. Inquiries by Bureau made during investigation of Charles E. Shaver, former counsel for Select Committee on Small Business, U.S. Senate, who was investigated for fraud against the Government in 1951-1952. Investigation did not involve Williams. Williams has extensive law practices and has represented Senator Joseph McCarthy (R Wisc.) on several occasions. Action: None. For your information.

RECORDED 62-98896-1
INDEXED JAN 23 1953
12

DJS:lng

Williams is being checked by Sen. McCarthy for U.S. Atty for D.C.

COPIES DESTROYED
68 DEC 4 1964

79 FEB 11 1953

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/5/02 LESPSSC/AE #941854

Memo to Mr. D. M. Ladd
from A. H. Belmont

SCOPE OF SEARCH:

In the preparation of this memorandum Williams' name was searched through the double initial. However, the search was limited to the States of Connecticut and Massachusetts and the District of Columbia. His name was also searched in the Identification Division where no arrest record was found. *

BUREAU INVESTIGATION:

No investigation has been conducted by this Bureau concerning Williams in which he was a subject. However, as will be explained more fully below, certain investigations concerning him were conducted in the case entitled "Charles E. Shaver, et al, Fraud Against the Government," (46-17642).

PERSONAL HISTORY:

Edward Bennett Williams was born in Hartford, Connecticut, on May 31, 1920. After receiving his high school education in Hartford, he attended Holy Cross College, Worcester, Massachusetts, from 1937 until 1941 when he graduated with an A.B. Degree. (Summa cum laude) Williams graduated from Georgetown University Law School, Washington, D. C., with an LL.B. Degree in 1944. He was admitted to the District of Columbia Bar in 1944, and in 1947 was admitted to practice before the Supreme Court of the United States.

Since his admission to the District of Columbia Bar, Williams has engaged in the practice of law in the District and in March, 1949, formed the partnership of Chase and Williams which maintained law offices in the Hill Building, Washington, D. C. This partnership was dissolved in February, 1951. Williams presently maintains his office.

* Search was limited because of common name (400 to 500 references in indices) and no indication he ever resided in other localities.

at 839 17th Street, N. W., Washington, D. C. In addition to his law practice, Williams has been teaching Criminal Law and Evidence at Georgetown University Law School since 1946.

Williams has been an active member of the Bar Association of the District of Columbia, and in 1947 was Chairman of the Committee on Relations with the Municipal Court of Appeals. In 1948, he was Chairman of the Committee on Admissions. During the period 1949-1950, he was Vice President of the local bar association. In addition to membership in the local bar, Williams is a member of the American Bar Association. (Martindale-Hubbell Law Directory, 1950; 67-272010)

INFORMATION IN BUREAU FILES:

Our files reflect that on December 19, 1941, Williams called at the Chief Clerk's Office of this Bureau and presented an application for employment as a clerk. The interviewing officer advised that Williams was undoubtedly above average in intelligence, but appeared somewhat inclined to be "smart aleckie." After the interview, it was ascertained that Williams at first presented himself to the applicant room with a number of other persons and apparently became impatient with the delay and subsequently presented himself to the Chief Clerk's Office where he was interviewed. The interviewing officer stated that Williams evidently had the opinion that he had pulled a "fast one" by going through the Chief Clerk's Office when he could not be immediately interviewed in the applicant office. For this reason the recommendation was unfavorable. (67-272010)

Under date of March 2, 1949, the Bureau received an announcement which announced the formation of the law partnership of Nicholas J. Chase, former associate in the law office of William E. Leahy, Washington, D. C., and Edward Bennett Williams, former associate with the firm of Hogan and Hartson. A notation appeared on this serial that neither Chase nor Williams were on the mailing list and that no acknowledgment was necessary. (62-0-40652)

Memo to Mr. D. M. Ladd
from A. H. Belmont

During the hearings held by the Subcommittee on Privileges and Elections of the Committee on Rules and Administration, U. S. Senate, held during February, March and April, 1951, into the State of Maryland Senatorial Election of 1950, Williams appeared before that Subcommittee both as a witness and as counsel for Jon M. Jonkel, who had been the campaign manager for the Honorable John Marshall Butler, U. S. Senator from the State of Maryland. (56-9758-213)

According to an article which appeared in the "Times Herald," Washington, D. C., dated December 13, 1951, Williams was the counsel for Mr. and Mrs. William McWilliams, during the investigation of the Senate Rules Committee into crime conditions and charges of police payoffs in the District of Columbia. (62-75147-53-A)

On September 19, 1951, Williams appeared as counsel for Martin Berkeley before the Committee on Un-American Activities, U. S. House of Representatives, which Committee was holding hearings at that time in Los Angeles, California, concerning Communist infiltration into the motion picture industry. It is noted that Berkeley, a screen writer, appeared before the Committee as a friendly witness. (100-138754-903)

During May, 1952, Robert Rossen, subject of a pending Security Matter - C investigation being conducted by this Bureau, was endeavoring to obtain a passport from the U. S. Department of State. In connection with this, Rossen had several contacts with Ashley J. Nicholas, Assistant Chief, Passport Division, U. S. Department of State, and also had several attorneys, including Williams, contact Nicholas in his behalf. Nicholas advised Agents of this Bureau that he had told Rossen, an admitted former Communist Party member, that the best way in which he could convince the Government, that he was no longer a Communist would be to go to the Federal Bureau of Investigation and furnish the Bureau with all information regarding the Communist Party which he had learned while he was a member. Nicholas stated that when contacted by Williams he had given Williams the same advice to impart to Rossen, and further that Williams agreed with respect to the action proposed by Nicholas to Rossen. (100-235432-51)

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Memo to Mr. D. M. Ladd
from A. H. Belmont

As Counsel for Senator Joseph McCarthy (R Wisc.)

On November 12 and 13, 1951, [redacted] who in 1951 was being held in Geneva, Switzerland on charges of being engaged in the political intelligence service of a foreign state to the prejudice of Switzerland and of obtaining fraudulent services without paying viz., used landlady's telephone without her knowledge to call Senator Joseph McCarthy and the Federal Bureau of Investigation in Washington, D. C., voluntarily appeared at the New York Office for an interview.

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[redacted] related that after his return to the United States and while in Washington, D. C., he was interviewed by Edward Bennett Williams, Hill Building, who was an attorney for Senator McCarthy. According to [redacted] Williams wanted him to prepare a signed statement indicating that he had performed no services for Senator Joseph McCarthy. [redacted] further stated that Williams suggested to him that a trip to South America might be enjoyable, that there were many job opportunities there, and further, had offered to pay him $5,000 if he would include in his statement that there had never been any contact between Senator McCarthy and himself. [redacted] stated that he gave no statement to Williams, and likewise had received no money from him. (105-12869-115)

According to an article which appeared in the "Washington Star," Washington, D. C. on June 5, 1952, Senator McCarthy had made the statement that attorney Edward Bennett Williams represented him in the law suit brought by columnist Drew Pearson against Senator McCarthy. (121-23278)

note

Affiliation with [redacted]

During the course of the Bureau's investigation in the case entitled "[redacted] et al, Fraud Against the Government," certain affiliations between [redacted] and Williams were looked into.

Memo to Mr. D. M. Ladd
from A. H. Belmont

It will be recalled that this case arose out of charges that Flo Bratten, Secretary to Vice President Alben W. Barkley, and [redacted] or his law firm were paid fees in connection with their intervention with the Reconstruction Finance Corporation (RFC) on behalf of persons or companies seeking loans from the RFC. [redacted] was [redacted]

The Bureau's investigation reflected that on February 1, 1950, [redacted] rented office space from Nicholas J. Chase and Williams. However, [redacted] Chase, and Williams all stated that [redacted] was not a partner in the law firm but instead was only paid for work that he did for Chase and Williams. The firm of Chase and Williams was dissolved on February 15, 1951, and then [redacted] continued the same arrangement with Chase that he had previously had with the firm of Chase and Williams.

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The investigation further revealed that during 1949 and 1950, Williams apparently received fees of some $8,000 in connection with his handling of RFC matters. One of the firms so represented by him was A. Frank Bowles, Inc. of Middletown, Connecticut, in which [redacted] appeared to have been interested in making appointments and assisting in the filing of papers with the RFC.

As revealed by the investigation, Bowles was put in contact with Williams by [redacted] and had the former handle the case. Bowles claimed to have paid Williams $3,500 in October, 1949. Williams stated that he received only $1,500 and subsequently returned $500 of this to Bowles. Our investigation in no way involved Williams in any wrong dealings and charges and allegations made by Bowles against Williams were not substantiated.

Memo to Mr. D. M. Ladd
from A. H. Belmont

For your information, [redacted] on January 5, 1953, pleaded guilty to three counts of violations of Section 281, Title 18, U.S. Code. It is expected that he will be sentenced during February, 1953. It is noted, however, that no dealings between Williams and [redacted] are involved. (46-17642-214)

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Results of Current Inquiry

On January 13, 1953, Leonard P. Walsh, a past president of the local bar association and a contact of the Washington Field Office, confidentially advised that Williams was presently teaching at the Georgetown University Law School where he was regarded as a high-type individual, being of excellent character, and loyal without any qualifications. Walsh further stated that Williams at the present time was counsel for Senator Joseph McCarthy, was very active in local bar association affairs, and recently was the toastmaster at the annual bar association dinner. Williams is married to the granddaughter of Frank Hogan and at one time was employed in Frank Hogan's law firm.

Walsh further stated that he had heard within the past few days that Williams was seeking the position of U. S. Attorney in Washington, D. C.

The Washington Field Office further ascertained from a priest at Georgetown University that Williams had taught there for the last four or five years, that he is considered to be a brilliant individual, and is extremely well regarded at the University. (Unrecorded letter dated January 13, 1953, from WFO re Edward Bennett Williams.)

ACTION:

None. For your information.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Ladd

FROM : Mr. Scatterday

DATE: January 12, 1953

SUBJECT: ED WILLIAMS
INFORMATION CONCERNING
EDWARD BENNETT WILLIAMS

Tolson
Ladd
Clegg
Glavin
Nichols
Rosen
Tracy
Harbo
Belmont
Mohr
Tele. Room
Nease
Gandy

At 4:12 P.M. today, in your absence, Mr. Holloman advised that the Director desired a complete summary of all information in the Bureau's files concerning the above individual together with any information which could be ascertained by the Washington Field Office without conducting any investigation. Any such information must be obtained very discreetly in order that under no circumstances will Williams learn of such inquiries.

The identifying information on Williams is that he is a lawyer in the District of Columbia, is a teacher at one of the local law schools, and is possibly an officer of the D.C. bar.

ACTION:

I telephonically advised Mr. Laughlin of this request and he stated it would be handled.

GHS:WMJ

Jae Hood requested to handle most discreetly 1-12-53 6 P.M.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/91 BY SP-7 mac/RDS

SE

RECORDED 62-98896-2

12 JAN 23 1953

Memo Belmont to Ladd 1/14/52 DJS.

79 FEB 11 1953 184

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: January 13, 1953

FROM : SAC, WFO

SUBJECT: EDWARD BENNETT WILLIAMS
INFORMATION CONCERNING

Limited Classification
Review Conducted
See Top Serial
Form 4774

Re Bureau phone call January 12, 1953.

It was confidentially ascertained from LEONARD P. WALSH, a past president of the local Bar Association and a good contact of this office, that WILLIAMS teaches at Georgetown Law School and is regarded as a very high type lawyer, being of excellent character, highly intelligent and loyal without any qualification. At one time WILLIAMS was in the law firm of FRANK HOGAN, and is married to HOGAN's granddaughter. In the past, he was associated in law practice with HOWARD BOYD and later in a law firm with NICK CHASE; however, he presently has his office at 839 - 17th Street, N. W., and resides at 5715 Bent Branch Road, Tulip Hills.

WALSH stated WILLIAMS is now attorney for Senator JOE McCARTHY, and only recently he argued the CHARLES E. NELSON case on appeal. WILLIAMS has been very active in Bar Association affairs and was recently toastmaster at the annual Bar dinner.

WALSH states he heard within the last few days that WILLIAMS is seeking the position of United States Attorney here in Washington.

It was ascertained in confidence from a Priest at Georgetown University that WILLIAMS has taught there for the last four or five years and is extremely well regarded. He is considered to be brilliant.

EDWARD LYNCH, local attorney and contact of this office, verified the above information as furnished by WALSH concerning the standing and qualifications of WILLIAMS.

No further inquiries will be made at this time unless advised to the contrary.

cc Sent D.J. Sullivan 1/13/53 JSA

RBH:MCP

RECORDED 62-98896-3
JAN 23 1953
12

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/15/02 BY SP5JC/AE #94154

89 FEB 11 1953

January 26, 1953

MEMORANDUM FOR MR. TOLSON
MR. LADD

In conversation with Judge E. A. Tamm of the District Court for the District of Columbia, he advised me that several persons had spoken to him concerning one Ed Williams who is a candidate for the position of U. S. Attorney for the District of Columbia. He stated that so far as he knew or had ever heard, Mr. Williams was of good character and a capable lawyer. Mr. Williams married the daughter of the late Mr. Frank Hogan who was one of the leaders of the D. C. Bar. I believe Mr. Williams was the attorney representing Senator McCarthy in one of his lawsuits.

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 7/14/81 BY SP-2 [illegible]

JEH:mpd

62-98896-3X

SENT FROM D. O.
TIME 11:07 AM
DATE 1-26-53
BY WJR

RECORDED-33

68 FEB 5 1953

EX-123

JAN 29 1953

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen

FROM : Mr. Evans

DATE: February 5, 1954

SUBJECT: EDWARD BENNETT WILLIAMS
INFORMATION CONCERNING

Limited Classification
Review Conducted
See Tol Serial
Form 4-774

Tolson
Ladd
Clegg
Glavin
Nichols
Rosen
Tracy
Harbo
Belmont
Mohr
Tele. Room
Nease
Gandy

On February 3, 1954, a telephone message was left at Mr. Nichols' Office from Mr. Henshaw. Henshaw said Jack Anderson had told him about a week ago that Drew Pearson has evidence to prove Edward Bennett Williams is bribing juries and two men in a florist shop on 11th Street are handling the payoffs. Anderson reportedly commented that Pearson could take Williams out of circulation any time he desired.

With regard to Mr. Tolson's inquiry concerning what information appears in Bureau files regarding Williams, a review of numerous files is presently being conducted. Pending completion of this file review it is noted Edward Bennett Williams is attorney for Representative Ernest King Bramblett, on trial in United States District Court for the District of Columbia for making false statements to the Government in violation of Section 1001, Title 18. Bureau investigation in this case was instituted as result of information in Pearson's column. Trial which commenced February 2, 1954, is presently in progress. (58-2841).

In addition, you may recall that Attorney Williams represented former Assistant Attorney General Norman Littell in his successful libel suit against Drew Pearson and that Williams represented Senator McCarthy in the suit brought against him by Pearson.

ACTION:

The complete file review regarding Williams is being expedited and a comprehensive memorandum will be submitted on completion.

cc: Mr. Nichols

FWJ:mrs

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/5/02 BY SP5 JC/AE
#941854

162-98096-4

RECORDED-30

FEB 9 1954

EX-102

FEB 17 1954

2/3

3:45

Mr. Nichols:

Mr. Henshaw called and left the foll
message:

"Jack Anderson told me about a week
Drew Pearson has evidence to prov
Edward Bennett Williams is bribing
Jack said two men in a florist shop on 11th
Street were handling the jury pay-offs.

"Jack did not say how Drew is going to handle the information. Jack's only comment was that Drew could take Ed Williams out of circulation any time he wanted to.

"I can't quite understand why Jack gave me this information so freely."

arm

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Mohr
Mr. Trotter
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

what do our files show re Williams?

Memo Nix Evans 3/15/54
Memo Nix Evans 3/15/54

162-98896-55

RECORDED-1

31 MAR 14 19

51

67 MAR 10 1954

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-22-88 BY SP2 [illegible]

UNRECORDED COPY FILED IN 62-60573-

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen

DATE: 2-10-54

FROM : Mr. Evans

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b7C

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

SUBJECT: EDWARD BENNETT WILLIAMS
MISCELLANEOUS - INFORMATION CONCERNING #265,955

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-20-88 BY SP4 tj/tab

SYNOPSIS

According to phone message to Mr. Nichols from Mr. Henshaw February 3, 1954, Jack Anderson reportedly stated about a week previously that Drew Pearson has evidence to prove Williams is bribing juries and two men in a florist shop on 11th Street handle the payoffs. As a result of Mr. Tolson's inquiry as to what Bureau files reflect concerning Williams, numerous files were reviewed. Files reflect Williams was born 5/31/20, Hartford, Connecticut, received A.B. degree Holy Cross College, 1941, and LL.B., Georgetown University, 1944. He was admitted to the District of Columbia Bar 1944 and has been a professor of criminal law and evidence at Georgetown since 1946. Inquiries were made regarding Williams during investigation of [redacted] Williams formerly rented office space to [redacted] but investigation did not involve Williams in Fraud Against the Government case. Williams has extensive law practice. He represented Senator McCarthy in law suit brought by Drew Pearson, represented Norman Littell in successful libel suit against Pearson, and presently is defense counsel for Representative Ernest King Bramblett on trial in U. S. District Court for the District of Columbia for making false statements to the Government in violation of Section 1001, Title 18. Trial of Bramblett which began 2/2/54 resulted from Bureau investigation which was instituted as a result of information in Pearson's column.

RECOMMENDATION

The non-specific information furnished by Mr. Henshaw might constitute a jury tampering allegation within the Bureau's jurisdiction under the Obstruction of Justice Statutes in the event Federal Courts are involved. Therefore, it is recommended that Drew Pearson or Jack Anderson be contacted for more specific information upon which to base an investigation or if it is then determined no investigation is warranted, to refer the matter to the Department.

62-98896-6

RECORDED-17 MAR 4 1954

ADDENDUM: LBN:ptm 2-10-54

I do not agree. I could call Henshaw and ask if he had any specific data since he left a message for me and did not personally talk to me. I definitely recommend against contacting Pearson or Anderson since Williams is Norman Littell's attorney and they would like nothing better than some act on our part which would justify a story.

Attachment
cc: Mr. Nichols
EWJ:ige:pal

51 MAR 10 1954

2 agree

UNRECORDED COPY FILED IN 65-60573

DETAILS

Personal History

Edward Bennett Williams was born in Hartford, Connecticut, on May 31, 1920. After he was graduated from high school in Hartford, he received an A.B. degree at Holy Cross College, Worcester, Massachusetts, in 1941. He received an LL.B. degree in 1944 from Georgetown University Law School, Washington, D. C. He was admitted to the District of Columbia Bar in 1944 and in 1947 he was admitted to practice before the Supreme Court of the United States. Since his admission to the bar, Williams has engaged in the practice of law in the District of Columbia and in 1949 formed the partnership of Chase and Williams, which maintained offices in the Hill Building, Washington, D. C. This partnership was dissolved in February, 1951, and Williams presently maintains offices at 839 17th Street, N. W., and 1000 Hill Building, Washington, D. C. Williams has been a professor of criminal law and evidence at Georgetown University Law School since 1946. Williams has been an active member of the Bar Association in the District of Columbia and in 1947 was Chairman of the Committee on Relations with the Municipal Court of Appeals. In 1949, he was Second Vice President and in 1950 he was Vice President of the local bar association. In addition to membership in the local bar association, Williams is a member of the American Bar Association. (Martindale-Hubbell Law Directory 1953; 67-272010)

Information in Bureau Files

Bureau files reflect that Williams made application for a position as Clerk on December 19, 1941. File reflects that Williams became impatient while waiting in the applicant room with a number of other persons and therefore presented himself to the Chief Clerk's Office where he was interviewed. The interviewing officer stated Williams was undoubtedly above average in intelligence but evidently was of the opinion that he had "pulled a fast one" by going through the Chief Clerk's Office when he could not be interviewed immediately in the applicants office. For this reason, the recommendation was unfavorable. (67-272010)

Under date of March 2, 1949, the Bureau received an announcement of the formation of the law partnership of Nicholas J. Chase, former associate in the law office of William E. Leahy, Washington, D.C., and Edward Bennett Williams, former associate in the firm of Hogan and Hartson. (62-0-40652)

During hearings held by the Subcommittee on Privileges and Elections of the Committee on Rules and Administration, U. S. Senate, held during February, March and April, 1951, concerning the Maryland State Senatorial election of 1950, Williams appeared before the Subcommittee both as a witness and as counsel for Jon N. Jonkel, who had been campaign manager for John Marshall Butler, U. S. Senator from the State of Maryland. (56-9753-213)

According to an article which appeared in the "Times-Herald," Washington, D. C., December 13, 1951, Williams was counsel for Mr. and Mrs. William McWilliams during the investigation of the Senate Rules Committee into crime conditions and charges of police payoffs in the District of Columbia. (62-75147-53A)

On September 19, 1951, Williams appeared as counsel for Martin Berkeley, a friendly witness before the House Committee on Un-American Activities, which was holding hearings in Los Angeles, California, concerning Communist infiltration into the motion picture industry. (100-138754-903)

Bureau files further reflect that during May, 1952, Robert Rossen, subject of a Security Matter - C investigation, was endeavoring to obtain a passport from the Department of State. In connection with his attempts to obtain a passport, he had several attorneys, including Williams, make contact in his behalf with the Department of State. Ashley J. Nicholas, Assistant Chief, Passport Division, State Department, advised Williams had concurred with his recommendation to Rossen that the best way in which he could convince the Government that he was no longer a Communist would be to furnish the FBI with all information regarding the Communist Party which he had learned while he was a member. (100-235432-51)

In April, 1953, Robert Rossen during the course of a tour of the Bureau made reference to newspaper publicity concerning testimony of Max Benoff before the House Committee on Un-American Activities hearings in Los Angeles. He stated he had contacted his attorney, Edward Bennett Williams, who was also Benoff's attorney, during his testimony before the House Committee. Since Benoff had testified he had been invited to a Communist Party meeting by Rossen, Williams reportedly told Rossen it appeared Benoff had used Rossen as a scapegoat since the latter had been named so many times publicly as having been a Communist Party member in Los Angeles. (100-235432-69 Williams also furnished information concerning location of his client Max Benoff to the Washington Field Office in August, 1953. (100-337007-16)

On July 13, 1953, Leonard P. Walsh, past president of the District of Columbia Bar Association and a contact of the Washington Field Office, confidentially advised that Williams, a professor at

Georgetown University Law School, was regarded as a high type individual of excellent character who was loyal without any qualifications. (62-98896-3)

On January 26, 1953, the Criminal Division furnished the Bureau the original of a sworn statement dated January 4, 1952, which statement was furnished to Edward Bennett Williams, 1000 Hill Building, Washington, D.C., by John Huber of New York City. The statement reflected the attendance of Owen Lattimore at a Communist Party meeting. The Criminal Division advised there was no information available indicating the reason for which Williams had obtained this statement. (100-24628-4153)

The "Washington Post" of March 10, 1953, reflected that Edward Bennett Williams was attorney for Sidney Buchman, former Hollywood movie producer and writer who was then on trial in Federal Court on a charge of contempt in that he failed to appear before the House Committee on Un-American Activities on January 25 and 28, 1952, and this article indicated Buchman was an admitted former Communist and his defense was that since he had previously appeared before the Subcommittee he felt he had nothing to add when he was summoned to re-appear. (100-74274-A)

Affiliation with Charles E. Shaver

During the course of an investigation in the case entitled [redacted] et al., Fraud Against the Government," certain inquiry was made concerning relationship between [redacted] and Williams. This investigation was conducted as the result of allegations that Flo Bratten, secretary to Vice President Barkley, and [redacted] or his law firm were paid fees in connection with their intervention with the Reconstruction Finance Corporation on behalf of persons or companies seeking loans from RFC. Investigation reflected that on February 1, 1950, [redacted] rented office space from Nicholas J. Chase and Williams. The investigation did not reveal any irregularities on the part of Williams, and the firm of Chase and Williams was dissolved February 15, 1951, after which [redacted] continued the same rental arrangement with Chase that he had previously had with the firm of Chase and Williams. As a matter of information, [redacted] pled guilty on January 5, 1953, and on February 6, 1953, was sentenced to eight months to two years and fined $1,000. The prison sentence was suspended and [redacted] was placed on probation for two years. (46-17642)

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b7C

Affiliation with Senator Joseph McCarthy (R., Wisc.)

On November 12 and 13, 1951, [redacted] who had been held in Geneva, Switzerland, on charges of being engaged in the

political intelligence service of a foreign state to the prejudice of Switzerland and of having fraudulently obtained services without paying, appeared at the New York Office for an interview. (Services obtained consisted of use of landlady's telephone without permission to call Senator Joseph McCarthy and the FBI in Washington, D. C.) [redacted] advised that after his return to the United States he was interviewed by Williams, who was an attorney for Senator McCarthy. According to [redacted] Williams wanted him to prepare a signed statement indicating he had performed no services for Senator McCarthy. [redacted] stated Williams suggested a payment of $5,000 if he would include in his statement the fact that there had never been any contact between Senator McCarthy and himself. [redacted] said he gave no statement to Williams and had received no money from him. (105-12869-115)

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The "Washington Star," Washington, D. C., on June 5, 1952, quoted Senator McCarthy as stating attorney Edward Bennett Williams represented him in the law suit brought by columnist Drew Pearson against Senator McCarthy. (121-23278)

In this connection, it is noted that Leonard P. Walsh, previously mentioned in this memorandum as a contact of the Washington Field Office, reported on January 13, 1953, that Williams was counsel for Senator McCarthy. (62-98896-1)

It was also reported that in January, 1953, Williams was seeking appointment to the position of U. S. Attorney for the District of Columbia (62-98862-1) and on January 15, 1953, the Director noted that Williams was being backed for this position by Senator McCarthy. (62-98896-1)

Counsel for Former Assistant Attorney General Norman Littell

During May, 1953, a libel suit brought against columnist Drew Pearson by Norman M. Littell was tried in U. S. District Court for the District of Columbia. An allegation was received that Edward B. Williams, counsel for Littell, during the course of the trial apparently was utilizing a copy of an FBI report. An administrative inquiry conducted by the Bureau reflected that former Attorney General McGrath on instructions of President Truman had permitted Littell to have access to Department files. The report utilized in court by Williams was a copy of information contained in a Bureau report, which copy was made by Littell during his review of the Department's file. The "Washington Star," October 8, 1953, reflected that Littell's libel suit against Pearson resulted in a verdict of $50,001 in favor of Littell in May, 1953, which verdict was reportedly settled for an amount in excess of $40,000. The news article indicated that attorney Edward Bennett Williams was attorney for Littell in this action. (62-99722; 97-2954, 94-4-3568)

Counsel for Representative Ernest King Bramblett

Williams is attorney for Representative Ernest King Bramblett, who is presently on trial in U. S. District Court for the District of Columbia for making false statements to the Government in violation of Section 1001, Title 18, U. S. Code. Bramblett is specifically charged with receiving kickbacks from employees of his Congressional office. The Bureau's investigation in this case was instituted as a result of information which appeared in Drew Pearson's column. The trial which commenced February 2, 1954, is presently in progress. (58-2841)

Current Allegation

On February 3, 1954, Mr. Henshaw called Mr. Nichols' office and left the following message:

> "Jack Anderson told me about a week ago that Drew Pearson has evidence to prove that Edward Bennett Williams is bribing juries. Jack said two men in a florist shop on 11th Street were handling the jury pay-offs.
>
> "Jack did not say how Drew is going to handle the information. Jack's only comment was that Drew could take Ed out of circulation any time he wanted to."

Mr. Tolson inquired as to what Bureau files showed concerning Williams. It was concluded, in view of the information previously set forth in this memorandum, that the Williams to whom reference was made in the telephone call is identical with attorney Edward Bennett Williams concerning whom this memorandum was prepared.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: Feb. 15, 1954

FROM : L. B. Nichols

SUBJECT: EDWARD BENNETT WILLIAMS

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Tamm
Tele. Room
Holloman
Sizoo
Miss Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-20-88 BY SP4 AlW/bat #265,955

I talked to John Henshaw on the telephone with further reference to the telephone message he left for me when he called on February 3rd, regarding a conversation he had with Jack Anderson indicating that Drew Pearson had evidence that Williams was bribing juries. Henshaw stated that the Bramblett case was just getting underway and he passed this information on, primarily, so we could be on guard. He stated that he did not have any additional information; that the subject of Williams came up as a result of a telephone call he had from Jack Anderson and in the course of the conversation, Henshaw told Jack Anderson he had talked to [redacted] who at one time was a reporter on the old Washington Herald and who has also represented bond holders in various transactions, as well as handling other matters. He stated that in the course of the conversation with [redacted] the latter made the observation to Henshaw that his old boss, meaning Drew Pearson, might have happen to him what he had experienced in another case. He was referring to the suit that Douglas MacArthur brought against Drew Pearson some years ago. MacArthur was represented by Frank Hogan at the time and Williams either married Frank Hogan's daughter or granddaughter. MacArthur withdrew his suit the day before the trial, however, Pearson made MacArthur pay some $16,000 in legal fees. Henshaw stated incidentally that he guarded the woman who apparently Drew was going to use as his star witness and with whom General MacArthur had apparently once had an affair.

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b7C

Henshaw stated he was referring to Drew Pearson's suit against Senator McCarthy, Fulton Lewis and others; that Williams was representing Senator McCarthy and Don Surine and it was at this point that Anderson indicated they were not worried about Williams because Pearson had the goods on Williams. Henshaw stated that Anderson was very open in his discussion, that Anderson had never lied to him in the past and Henshaw just felt perhaps a complaint had already been made. Henshaw stated that while, of course, he would not like for us to go to Pearson or Anderson as a result of Anderson's conversation with Henshaw, nevertheless, if the chips were down, Henshaw would not mind standing up and being counted.

cc: Mr. Ladd
Mr. Belmont

LBN:MP

Memo from Mrs Nichols to Mr Tolson 2/15/54 - No further inquiry necessary. Henshaw gibes Anderson as stating Pearson does not have all facts yet + says facts apparently not what Anderson led him to believe at first.

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Henshaw stated he might see Anderson in the next few days. I told him if he did and if he heard anything further, to let us know.

Henshaw stated that it was his understanding from [redacted] and he had also gotten the impression from others, that Pearson would just as soon quiet down and get out from under some of the legal problems with which he is confronted. Henshaw then stated that Drew's income is just about equalizing his expenses and Warren Woods recently told Henshaw that Drew had to put a mortgage on his farm to raise money, which Drew did not like.

Henshaw had absolutely no additional information and I frankly still doubt the advisability of going to either Pearson or Anderson in view of the non-specificness of Henshaw's statement.

October 25, 1957

Mr. Edward Bennett Williams
839 17th Street, Northwest
Washington, D. C.

Dear Ed:

I read with considerable interest the story in Tuesday's Evening Star of your lecture at Georgetown. I wish I could have heard it. You did a great disservice, however, to the FBI in your comment that "The FBI and New York State continue to tap wires in spite of the fact that the Federal courts have ruled them illegal."

I, of course, would presume to speak only for the FBI and I am unaware of any court decision which has ruled that wire taps are illegal per se. What the courts have done is to ban evidence secured from wire taps and this whole matter was explored rather fully in the attached statement of the late Mr. Justice Robert H. Jackson when he was Attorney General. In the FBI, telephone taps are utilized only with the written approval of the Attorney General in cases involving internal security or those involving kidnapping.

I know that you would want to keep this in mind in the future because it is manifestly unfair to attribute crime to an act that has been upheld time and time again.

Sincerely yours,

L. B. Nichols

2 ENCLOSURE

Enclosure

LBN:hpf:ejp (3)

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'POC LIBERTY GUARDIANS'

Williams Assails Legal Profession

The legal profession is too obsessed with property rights and not enough with human rights, Washington lawyer Edward Bennett Williams warned last night.

Mr. Williams, in his mid-thirties, already has had such clients as the late Senator Joseph McCarthy, James R. Hoffa and Frank Costello. Speaking at the first of Georgetown University's 1957 Gaston Lectures last night, he declared the legal profession is falling down on its job of "watch-tower of liberty" in the United States.

"Too many lawyers have become obsessed with cases involving property rights, because they pay off better in dollars and esteem," Mr. Williams declared.

"Part of the trouble," he added, "is the apparent fact that it suddenly has become de classe for a prosperous attorney to stand before the bar and defend a person charged with a crime or one accused of disloyalty."

Mr. Williams, a graduate of the Georgetown University Law School, used the topic "The Lawyer and the Tainted Client."

He told some 500 listeners, many of them Georgetown students, that he handled the cases involving Hoffa, Mr. Costello, Confidential Magazine and others because they involved infringements of Constitutional rights and procedures on the part of the Government.

He charged the Congressional committee that questioned Hoffa before television cameras with "calling witnesses with the expressed purpose, not of gathering facts looking toward enactment of legislation, but of embarrassing, humiliating and degrading them." He called the committee's actions "brazen," and an "inquisitional smorgas-

He defended the taking of the Fifth Amendment by a witness and described the "automatic response" to such a step on the part of the public as "the advent in our system of jurisprudence of guilt by silence."

He told his listeners he was not concerned about the guilt or innocence of Mr. Costello when he took the case, but agreed to act as the gambler's attorney because the evidence against him included wire-tappings.

"The FBI and New York State continue to tap wires in spite of the fact that the Federal courts have ruled them illegal," he declared.

"It is no less a crime when done by an agent of the Government than if done by a private citizen," he said.

Speaking of New York, he told the group that a recent case brought to light the fact that a room in a certain prison there, where a priest hears confessions, is "permanently wired" and the warden "can hear everything that's said."

Mr. Williams then attacked his fellow lawyers. He accused them of giving rise to "another abominable concept, guilty by client."

"Everyone, under the Constitution, has a right to legal representation, so long as he seeks it within the laws of honesty," he said. "But somehow this hasn't been got across to members of my profession or the general public."

The Evening Star
Oct. 22, 1957

62-98896-8
ENCLOSURE

FOR RELEASE: P.M. PAPERS
Thursday, March 20, 1941

DEPARTMENT OF JUSTICE

Attorney General Robert H. Jackson today made public a letter to the Honorable Hatton W. Sumners, chairman of the House Judiciary Committee, outlining his views on the enactment of H. R. 2266, a bill now before the committee to admit in certain criminal prosecutions evidence obtained by wire tapping.

The Attorney General's letter, the text of which follows, contains specific recommendations and proposes an amendment to the pending bill.

March 19, 1941

Honorable Hatton W. Sumners
Chairman, Committee on the Judiciary
House of Representatives
Washington, D. C.

My dear Mr. Chairman:

It would make the discussion of the proposed wire tapping legislation more clear if those who fear that the proposed legislation would deprive them of their "right of privacy" would first learn just what "right of privacy" they now have.

There is no Federal statute that prohibits or punishes wire tapping alone. The only offense under the present law is to "intercept any communication and divulge or publish" the same. Any person, with no risk of penalty may tap telephone wires and eavesdrop on his competitor, employer, workman or others and act upon what he hears or make any use of it that does not involve divulging or publication.

To use evidence obtained by wire tapping for the protection of society against criminals often requires that it be divulged in open court. It is this divulging in law enforcement that court decisions hold to violate the statute. The courts do not stop people from tapping wires - no one has ever been or under present law could be convicted of that by itself. What has been stopped is the use of the evidence to enforce the laws against criminals.

Many uninformed persons, and some who ought to know better, are thinking that these decisions protect their telephone privacy. They do nothing of the sort. They only protect those who engage in incriminating conversations from having them reproduced in court. These decisions lay down rules of evidence. But since our use of this method would have as its chief purpose the proof of a case against criminals, the practical effect of these decisions is to make wire tapping unavailing to law enforcement officers, although still useful to those who make private use of it. For this reason it was discontinued by the Department of Justice.

Let me give you an actual example of the way the present law works in practice: A short time ago a small child was kidnaped in California. There was reason to expect that demands would be made upon the parents by telephone. If the voice making such a call were recorded, preserving its accents, its peculiarities of speech, and its exact words, it would be a scientific means of identification not subject to the faults of hearing or of memory which so often make identification weak. It might be decisive in saving the life of the child, or in convicting the kidnaper, and it might be equally decisive in clearing an innocent person unfortunate enough to be under suspicion.

At that point Mr. Hoover came to me for instructions. In June 1940 the Circuit Court of Appeals for the Second Circuit had held that the Communications Act prohibits use as evidence of a telephone conversation mechanically recorded with the consent of one party but without the knowledge and consent of the other. (United States v. Polakoff, 112 F. (2d) 888.)

So neither the distracted parents nor the United States Government could obtain valid evidence by recording a criminal telephone conversation unless the kidnaper consented. That is the state of the law at this moment.

Of course, I directed Mr. Hoover to put a recording device on that line. The child was recovered before the criminal reached the place from which he expected to operate. But even if he had called and we had obtained scientific identification of him, we could not have used it in court under that decision.

I am well aware of the dangers of unrestricted wire tapping. I have always maintained, and I so stated in my annual report, that unrestrained and uncontrolled wire tapping, even on the part of law enforcement officers, would be intolerable. I have always felt that a bill to permit wire tapping by properly authorized government officers should be balanced by carefully drawn safeguards to prohibit the indiscriminate tapping of wires and the indiscriminate use of information obtained in that way.

On the other hand, my present concern is with the very practical work of protecting decent citizens, and indeed

the nation itself, against criminals, spies and saboteurs. Such persons, under existing law, have one great method of communication which they may use without fear of leaving incriminating trails - the telephone and telegraph. If a criminal writes a letter he runs the risk that it will fall into the hands of the law. If he transacts his illegal business in person, he may be overheard by an eavesdropper. If he sends a confederate to act for him, the confederate may betray him. All such evidence is good in court against him. But so long as he uses the telephone or telegraph, he is sheltered against law enforcement officers.

Criminals today have the free run of our communications systems, but law enforcement officers are denied even a carefully restricted power to confront the criminal with his telephonic and telegraphic footprints. Unless we can use modern, scientific means to protect society against the organized criminal movements of the underworld, the public cannot look to its law enforcement agencies for the protection it has a right to expect.

Legislation should not only make clear the rights of law enforcement officers and their limitations as well but might very wisely put an end to private or public wire tapping which, unless accompanied by divulging, is now permitted. I would suggest

1. That the Department of Justice be authorized to obtain and use in court evidence obtained by wire tapping in connection with four offenses; viz. espionage, sabotage, kidnaping, and extortion. These are the offenses which are accomplished or accompanied by extensive use of the telephone.

2. That such wire tapping be done only on the written authorization of the Attorney General. His authorization will then have to be proven as a foundation for admission of any such evidence. He should also be required to keep a permanent record of each such authorization. I am confident no Attorney General would make abusive use of this power under such circumstances. I do not favor the search warrant procedure which would authorize some 200 judges and 500 United States Commissioners to authorize wire tapping. Such procedure means loss of precious time, probable publicity, and filing of charges against persons as a basis for wire tapping before

investigation is complete which might easily result in great injury to such persons. A centralized responsibility can easily be called in question by the Congress but you cannot interrogate the whole judiciary.

3. Except as so authorized for law enforcement purposes it should be made a crime for any person, whether or not divulging the communication, to tap any wire, or install any recording or listening device thereon. This would be a real protection of the right of privacy which is not now protected at all.

If I can be of further help, I will be glad to respond to your request.

The amendments contained in the Committee Print of H. R. 2266 appear satisfactory. There is also enclosed a proposed amendment to carry out the suggestion contained in the preceding paragraph.

Sincerely yours,

ROBERT H. JACKSON

Attorney General.

SUGGESTED AMENDMENT TO H. R. 2266

It is suggested that the following Section be added at the end of H. R. 2266:

> "Section 2. Section 605 of the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1103; U. S. Code, Title 47, Sec. 605), is hereby amended by inserting the word 'or' in lieu of the word 'and' between the words 'communication' and 'divulge.'"

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Rosen

DATE: 11/19/57

FROM : C. A. Evans

SUBJECT: EDWARD BENNETT WILLIAMS

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman
Gandy

By accident I ran into Clark Mollenhoff, Washington correspondent for the Cowles Publications, in the corridor of the Senate Office Building.

In general conversation Mollenhoff advised he had just received information indicating that Edward Bennett Williams, the Washington attorney, had received lavish gifts from Albert Anastasia, the New York racketeer who was shot and killed last month. He stated that these lavish gifts included such items as 15 or 20 cases of expensive liquor and a case of French perfume said to be worth nearly $100 an ounce.

Mollenhoff indicated he didn't know what was behind these gifts as he didn't believe Williams had ever represented Anastasia in any legal matter, but Mollenhoff advised he was going to inquire further into this report.

1 - Mr. Nease

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EX-110

ALL INFORMATION CONTAINED
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DATE 3/5/02 BY SP5JC/AE
#941854

Q GIR 15

Law Offices
Edward Bennett Williams
1000 Hill Building
Washington 6, D.C.
METROPOLITAN 8-6565

EDWARD BENNETT WILLIAMS
EDWARD T. CHEYFITZ
THOMAS A. WADDEN, JR.
CHARLES P. MULDOON
AGNES A. NEILL
VINCENT J. FULLER

COUNSEL
JOHN W. GUIDER
COLMAN B. STEIN

November 7, 1957

#253,046

Mr. Louis B. Nichols
Room 5640, Federal Bureau of Investigation
9th Street and Pennsylvania Avenue, N. W.
Washington, D. C.

Dear Lou:

Thank you for your letter of October 25. I am sorry that you feel that I did a disservice to the FBI. I needn't tell you that I have great respect and admiration for that organization.

However, I feel very strongly that wire tapping is not only an immoral invasion of the right of a citizen's privacy, but also a criminal invasion. The statute outlawing wire tapping not only imposes an interdiction on tapping and divulgence, but also upon making use of any information derived thereby. A cursory reading of the statute demonstrates the inaccuracy of the second paragraph of the late Justice Jackson's letter to Congressman Sumners.

My feeling has long been that if the FBI feels that wire tapping is an indispensable tool of law enforcement in certain classes of cases, that it should go before the Congress in a forthright manner and ask for appropriate amendments to the law.

I read with regret of your retirement. I am sure that you are well deserving of a rest after your lengthy, devoted and invaluable service to the FBI. But I hated to see the Bureau lose you. I hope now that you have more leisure time that we can get together for lunch or otherwise in the near future for a leisurely conversation.

ED WILLIAMS 62-98896-10

With warmest regards, I am,

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Sincerely,

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Edward Bennett Williams

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CRIME REC.

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76 DEC 12 1957 F-240

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: 12/17/57

FROM: SAC, NEW YORK (94-0)

SUBJECT: EDWARD BENNETT WILLIAMS;
MIKE WALLACE - ABC;
THE MIKE WALLACE INTERVIEW - 12/14/57
RESEARCH (CRIME RECORDS)

See Tel Special Form 4-774

On the television program "The Mike Wallace Interview" Saturday evening, 12/14/57, ABC - TV, MIKE WALLACE interviewed the prominent Washington, D.C. Attorney, EDWARD BENNETT WILLIAMS.

At the outset of the interview WALLACE introduced WILLIAMS as the attorney who had defended such men as FRANK COSTELLO, JAMES HOFFA, etc. Thereafter, a discussion was had between WALLACE and WILLIAMS concerning legal ethics and what WILLIAMS would do if a person came to him and admitted having committed a crime. WALLACE asked WILLIAMS why he defended such men as COSTELLO, etc. and WILLIAMS replied in effect that everyone was entitled to have his rights protected in court.

The FBI was introduced into the interview by WALLACE asking WILLIAMS questions to develop WILLIAMS' opinion concerning wire-tapping. WILLIAMS acknowledged that the FBI tapped wires with the authority of the Attorney General in certain types of cases, but he, WILLIAMS, was of the opinion that since the Communications Law specifically prohibited such, that doing so was in defiance of the law. WILLIAMS noted in effect that if wires were to be tapped such should be done legally; namely, by having Congress pass a law that would permit tapping of wires upon the authority of a Federal Judge.

WILLIAMS, in making reference to the Director and the Bureau, was respectful and indicated he had the highest regard for the Director and hoped the Director had the same for him. He indicated he believes the FBI to be the finest investigative agency in the world and the finest there has ever been.

Discreet efforts were made by this office to obtain a tape recording of this interview through the Director of Programing at ABC who is a contact and an established source of the

2-Bureau
1-New York (94-0)
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62 DEC 27 1957

CRIME REC

NYO. This effort was unsuccessful primarily because MIKE WALLACE is a very controversial figure and ABC has been in "hot water" on several occasions because of what transpired during the WALLACE interview.

Miss TOWER, our contact, stated she had learned that the only way to obtain a tape recording of this interview was for the Bureau to direct a letter to the "top man" at ABC.

UACB no further steps will be taken by this office to obtain this recording.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nease

DATE: December 11, 1957

FROM : M. A. Jones

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman
Gandy

SUBJECT: MIKE WALLACE INTERVIEW
SATURDAY, DECEMBER 14, 1957
EDWARD BENNETT WILLIAMS
WIRE TAPPING - CIVIL LIBERTIES

Reurmemo to Mr. Tolson dated 12/9/57, captioned as above.

The Mike Wallace Interview at 10:00 p. m. on Saturday evening, December 14, 1957, will be monitored by an Agent of Crime Records Section.

In addition, arrangements have been made whereby the entire program will be tape recorded by the Bureau Laboratory.

RECOMMENDATION:

For information.

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Rosen
cc - Mr. Parsons
cc - Mr. Holloman
cc - Mr. McGuire
cc - Mr. DeLoach
cc - Mr. Wick

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DATE 2/14/91 BY SP-7 mac/bbs

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(11)

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13 DEC 20 1957

EX-132

CRIME RECORDS

67 DEC 30 1957

STANDARD FORM NO. 64

C.I.R.-10

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nease

DATE: December 16, 1957

FROM : M. A. Jones

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/91 BY SP-7 [illegible]

SUBJECT: MIKE WALLACE INTERVIEW
SATURDAY, DECEMBER 14, 1957
EDWARD BENNETT WILLIAMS
WIRETAPPING & CIVIL LIBERTIES

Tolson
Nichols
Boardman
Belmont
Mohr
Parsons
Rosen
Tamm
Trotter
Nease
Tele. Room
Holloman
Gandy

Remymemo to you dated 12/11/57, captioned as above.

SYNOPSIS:

Williams interviewed 10:00 p.m., Saturday, December 14 on Mike Wallace Interview, ABC-TV. Wallace asked him sharp questions concerning the FBI's use of wiretapping and the Director's public statements concerning pseudo-liberals. Asked why Williams defends such people as Jimmy Hoffa and Frank Costello, he replied that under our Bill of Rights, it is a lawyer's obligation. Williams stated that while he did care whether a client was guilty, it was not up to an attorney to make a moral judgement.

Williams expressed admiration for the Director and FBI but claimed that wiretapping is a crime and when the Government uses it, it should be penalized by its inadmissability in a trial. Williams cited statements by past Attorneys General conceding that FBI uses wire taps and Williams deplores this usage since a statute against wiretapping exists.

Williams thinks FBI a great organization and feels that if wiretapping authority is needed, the heads of various agencies desiring this authority should have the law changed; and he personally would favor such a change in kidnaping cases and cases affecting Nation's internal security. Wallace quoted a portion of the Director's last American Legion speech concerning pseudo-liberals, and Williams stated he does not feel Director talking about him. Williams expressed admiration for present supreme court, describing it as greatest of our generation.

The concluding question again concerned Director's American Legion speech and remarks concerning pseudo-liberals, and Williams stated he also deplores pseudo-liberals, agrees with the Director's thoughts on this subject and remarked that while he disagrees with Mr. Hoover on questions of law, he has full admiration for the Director and his agency.

RECORDED-92 62-98896-13

Verbatim transcript of program being prepared and will be submitted later today.

13 DEC 20 1957

RECOMMENDATION:

None. For information.

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Rosen
JRH:cag (7)

76 DEC 23 1957

EX-104

CRIME REC

4-1-1-(Rev. 11-4-57)

FEDERAL BUREAU OF INVEST[...]

11-20

TO:

- Director
- Mr. Tolson, 5744
- Mr. Boardman, 5736
- Mr. Belmont, 1742
- Mr. Mohr, 5517
- Mr. Parsons, 7621
- Mr. Rosen, 5706
- Mr. Tamm, 5256
- Mr. Trotter, 4130 IB
- Mr. Sizoo, 1742
- Mr. Nease, 5640
- Mr. McGuire, 5642
- Mr. Wick, 5634
- Mr. DeLoach, 5636
- Mr. Morgan, 5625
- Mr. Jones, 4236
- Mr. Leonard, 6222 IB
- Mr. Waikart, 7204
- Mr. Eames, 7206
- Mr. Wherry, 5537

- Mr. Cla[...]
- Miss Ga[...]
- Mr. Hol[...]
- Records
- Pers. R[...]
- Reading
- Courier
- Mail Roo[...]
- Teletype
- Code Room, 4642
- Mechanical, B-110
- Supply Room, B-216
- Tour Room, 5625
- Stop Desk, 7712
- [redacted]
- Miss Rogers
- [redacted]

b6
b7C

- See Me
- For Your Info
- For appropriate action
- Note & Return

Mr. Tolson
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Nease
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Clayton
Tele. Room
Mr. Holloman
Miss Gandy

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DATE 2/14/91 BY SP-7 [...]

G. A. Nease
Room 5640, Ext. 691

DETAILS

Edward Bennett Williams, local attorney who is active in the American Civil Liberties Union, was interviewed on the Mike Wallace Interview program at 10:00 p.m. on Saturday, December 14, 1957, over the American Broadcasting Company television network facilities. Before introducing Williams, Wallace announced a number of challenging items which would be brought out including such questions as why Williams defended infamous characters including Frank Costello, James Hoffa and others; why Williams criticized the FBI for its wiretapping activities; and Williams reaction to a statement by John Edgar Hoover, Director of the Federal Bureau of Investigation, concerning people who think the way Williams does.

Williams was introduced as the famous defense attorney who had "gotten off such characters as Jimmy Hoffa when it appeared certain that he would be convicted; had sucessfully defended Frank Costello in deportation hearings and had been the counsel for the late Senator Joseph McCarthy at the time he was considered for censure by the Senate.

Wallace asked Williams how he could justify accepting cases for such notorious individuals and using his many talents to actually getting them off "scott free" when it was the consensus of opinion that they were guilty of the crimes for which they were charged.

Williams replied that under our American system of jurisprudence a man is innocent until proven guilty and declared so by a jury or suitable judicial process. He said that this right on the part of every American involves a correlative duty on the part of those who have chosen the legal profession to safeguard this right of every citizen. He said it is not up to the attorney to pass moral judgement as to the guilt or innocence of his client and that the concept of guilt should involve a purely legal judgement based upon the evidence, with the moral consideration being left to the vengence of God.

Wallace asked Williams whether he would accept a case of a man who knew he was guilty and admitted his guilt, to which Williams replied that that man has the same right to legal counsel as any other and if the circumstances justified it, he would recommend that he plead guilty and throw himself upon the mercy of the court.

Wallace then went into the question of wiretapping and asked Williams if he had not criticized the FBI for employing this practice. Williams stated that it had been clearly acknowledged that the FBI did tap wires, and that he deplored this practice inasmuch as it was a violation of a current and existing statute of the Federal Government. He said that it was most unfortunate that the FBI, which he considered the greatest law enforcement organization in the world has ever known, would find it necessary to violate the Federal law in order to discharge its responsibilities to the public. Williams was

asked whether he did not consider wiretapping as necessary in some instances and Wallace mentioned that an FBI Agent had told him that "those guys who object to our tapping wires would be the first ones to scream for us to tap telephones if their child had been kidnaped." Williams conceded that there were instances involving the national defense and when the life of an individual was threatened in which wire tapping might be necessary and justified but not at the expense of breaking the law. He said that the answer was in remedial legislation and that the Bureau should be empowered to obtain a warrant from a Federal District Judge permitting them to tap wires. Williams added that he has never subscribed to the philosophy that a salutary end justifies a degrading means to obtain it.

Wallace asked Williams what his reaction was to a recent statement by the Director about "people who think like you do." He then read the following excerpts from the Director's American Legion speech:

> "Certain organizations obviously dedicate their efforts to thwart the very concepts of security. They vehemently oppose methods to gain this security and it is obvious that their aim is to destroy it. They protest that they are fighting for freedom, but in reality, they seek license..... They distort and misrepresent and ridicule the Government's security program..... Sadly, the cult of the pseudo-liberal, which is anything but liberal, continues to float about in the pink-tinted atmosphere of patriotic irresponsibility."

Williams replied that he doubted very much that Director Hoover had Edward Bennett Williams in mind when he made that statement. He pointed out that he had the greatest respect for the Director and the work he had done in the FBI and hoped that the Director felt the same way about him. He said that he would be the first to challenge a pseudo-liberal or pseudo-anything inasmuch as that term implied something false and hypocritical which is an attitude to be condemned. He said, in fact, that he agreed one hundred percent with this statement of the Director and could not take issue with it in any respect.

Williams expressed admiration for the present supreme court, describing it as the greatest of our generation.

Messrs. Tolson, Boardman, Belmont, Rosen, Nease, Mohr December 10, 1957

I took occasion to tell the Attorney General that we had received a request from the Mike Wallace organization, as Mike Wallace was to interview Edward Bennett Williams next Saturday night on television, and it was indicated that Williams intended to make some attack upon the FBI and the Department as regards wire tapping. I stated we were proposing to send to the Mike Wallace organization the testimony before a committee of Congress which sets forth our position on wire tapping. The Attorney General suggested that we might also advise the Mike Wallace group that the instructions in this matter were originally issued by President Roosevelt and had been followed by whatever number of Attorneys General have succeeded Attorney General Jackson, who accepted President Roosevelt's instructions and who, himself, appeared and testified and justified before a committee of Congress these instructions. Upon my return to the office, I communicated the suggestion of the Attorney General to Mr. Tolson so it could be properly handled.

W

62-97876-V
NOT RECORDED
167 DEC 17 1957

51 DEC 17 1957

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: December 10, 1957

FROM : G. A. NEASE

SUBJECT:

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/5/02 BY SP5JC/RE #941854

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Boardman
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Clayton
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Irving Ferman of the American Civil Liberties Union called on me this afternoon. He had two things on his mind. First, he told me that Attorney Edward Bennett Williams was appearing on the Mike Wallace program Saturday evening in connection with wire tapping. He stated that he was going to see Williams prior to this time and would do his best to see that Williams did not attack the Bureau and would try to get him to treat the subject objectively. Ferman stated that sometime ago he had written an article for a Princeton University publication which dealt with this subject and the Fourth Amendment which he stated he was going to make available to Williams.

I told Mr. Ferman that I was familiar with this matter and took occasion to furnish to him for his information the two press releases of January 8 and 15, 1950, dealing with the subject of wire tapping which we have already furnished to one of Mike Wallace's representatives. I likewise gave him a copy of the Director's 1956 appropriations testimony. I pointed out to him that as he would note the policy under which the Bureau functions in connection with wire tapping was formulated by President Roosevelt and that the same procedure has been followed by every Attorney General up to the present time. I further told him that as the Director indicated in his testimony, we have less than 90 such installations and this fact holds true today. Mr. Ferman was glad to get this information, stating he was familiar with our policy and he wanted to assure us that he would do his very best to make an impression on Williams before he appeared on the program.

Secondly, Mr. Ferman furnished me a copy of Walter Millis's pamphlet entitled, "Individual Freedom and the Common Defense," which, as you know, was sponsored by the Fund for the Republic. Ferman stated he was embarrassed by this pamphlet since Millis is on their board. He stated he wanted us to know that he did not know about the pamphlet until it was published and that certainly Millis never conferred with him concerning it. He remarked that in his opinion Millis has brought up nothing new but has simply revived the same old arguments that have come up time and time again.

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Mr. Ferman further stated that he has a copy of a letter put out by the Americans for Democratic Action soliciting funds and one of their main arguments is that they are the only organization that vigorously opposed the Jencks bill. He thought we would be amused by this and indicated he would send me a copy of this appeal.

INDEXED - 95

DEC 20 1957

cc-Mr. Boardman
Mr. Belmont
Mr. Rosen
Mr. Jones

65 DEC 30 1957

GAN:jmb (6)

RITE REC.

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

GIR 16

TO : Mr. Nease

DATE: December 16, 1957

FROM : M. A. Jones

Tolson
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SUBJECT: MIKE WALLACE INTERVIEW
SATURDAY, DECEMBER 14, 1957
EDWARD BENNETT WILLIAMS
WIRETAPPING - CIVIL LIBERTIES

Remymemo to you earlier today captioned as above.

Attached is a verbatim transcript of captioned interview. This was tape-recorded by the Bureau Laboratory Saturday night and transcribed by the Crime Records Section today.

RECOMMENDATION:

For information.

Enclosure

cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Rosen

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DATE 2/14/91 BY SP-7 mac/plr

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EX-117

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1 Autostat

MIKE WALLACE INTERVIEW WITH
EDWARD BENNETT WILLIAMS
DECEMBER 14, 1957

Announcer:

Before the Mike Wallace interview begins we present a statement by Oliver Strays (phonetic), Vice President in charge of the television network of the American Broadcasting Company concerning last week's broadcast.

Strays:

Last Saturday night, December 7, on this same program Mr. Drew Pearson stated that Senator Kennedy's book, "Profiles in Courage," which won the Pulitzer Prize was not written by Senator Kennedy, but was written by some other person and that Senator Kennedy had never acknowledged this fact. As Vice President in charge of the television network of the American Broadcasting company, I wish to state that this company has inquired into the charge made by Mr. Pearson and has satisfied itself that such charge is unfounded and that the book in question was written by Senator Kennedy. We deeply regret this error and feel that it does a grave injustice to a distinguished public servant and author, to the excellent book he wrote and to the worthy prize he was awarded. We extend our sincere apologies to Senator Kennedy, his publishers and the Pulitzer Prize committee.

Mike Wallace (M.W.):

Good Evening. Tonight on the eve of Bill of Rights day we shall interview perhaps the most controversial lawyer in the United States. He's Edward Bennett Williams whose clients have included gambling czar Frank Costello, union boss Jimmy Hoffa and the late Senator Joe McCarthy. Ed, in a moment I shall ask you why you defend such men as these, why you charge that the FBI sometimes acts illegally and I shall confront you with the charge made by FBI Chief J. Edgar Hoover that men with ideas like your own "form the skirmishing lines of the Soviet conspiracy against our Nation." My name is Mike Wallace, the cigarette is Phillip Morris.

(Commercial)

M.W.

And now to our story. Thirty-seven year old Edward Bennett Williams has had a remarkable law career; he's defended Hollywood left-wingers and the late Senator Joseph McCarthy. More recently he saved Frank Costello from deportation, and he snatched Jimmy Hoffa out from under what

62-98892-15
ENCLOSURE

seemed to be an air-tight bribery case. Mr. Williams has been hailed by some as a champion of the civil liberties which are guaranteed us by the Bill of Rights. Others fear that his philosophy of civil liberties has led more to license than to liberty.

Ed, first of all, let me ask you this if I may. Why do you lend your obviously considerable talents to help men like Frank Costello and Jimmy Hoffa in their trouble with the law?

Edward Bennett Williams (E.B.W.):

Let me answer that question apart from the personalities that you've mentioned and my answer to it is probably 166 years old because way back in 1791 the founding fathers of this Republic wrote the Bill of Rights and annexed it to the Federal Constitution. In the Bill of Rights they provided every accused has the right to the assistance of counsel. They didn't say everyone except Mr. Hoffa or Mr. Costello or everyone except anyone. They said everyone. Now, as I understand rights you can't have a Right without a collateral duty and someone to respect that right. And I feel that the members of my profession have an obligation or a duty to respect the rights of all accused to counsel, so I suppose that's the answer to your question. Let me say this to you. No matter how socially or politically obnoxious the ideas of an individual may be, no matter how unorthodox his conduct or his thinking may be, no matter how unpopular he may be, he has the right to the assistance of counsel and this was very graphically and very eloquently stated recently by the President of the American Bar Association, Mr. Charles Rhyne, in a wonderful speech he made in West Virginia back in October. It isn't entirely my idea, it's the idea of the founding fathers of this Republic and one that's been enunciated a thousand times by a thousand lawyers in the past few years.

M.W.

Well, that's a reasonable statement, and certainly one worth considering. Let me ask you something more specific, Ed, in taking on the defense of a client, do you care whether or not he is guilty?

E.B.W.

Let me put it this way. Of course I do, but I don't conceive it to be the function of an advocate or the function of a lawyer to make a moral judgment on the rectitude of an accused in a case. Fortunately, it isn't expected or required of lawyers to make moral judgments. The guilt or the innocence of the defendant is determined by the jury. (M.W.: Then a fellow comes in and says to you, Ed) Excuse me, let me finish that Mike if I may. (M.W.: Surely) Everyone is entitled to be tried in court. Our philosophy of criminal jurisprudence is that the Government or the State must prove the guilt of the defendant beyond a reasonable doubt. If they fail to do this, then

we leave the defendant to the majestic vengence of God if he be guilty. Because the basic philosophy of our criminal jurisprudence is that it is far far better that 10 guilty men go free than that 1 innocent man go to the penitentiary convicted of a crime of which he is not guilty.

M.W.:

Let me ask you this. A man comes in to you and says, Mr. Williams I want you to represent me. Look, I'm guilty, but I want you to use your best efforts to get me off. What would you say to that man?

E.B.W.:

Well, let me pursue that. Of course, if he's guilty, then he should plead guilty before the court if that's the course of wisdom for him. (M.W.: But if he doesn't know) But let me explain this to you, however, he has the right as does everyone in this country to have a jury find him guilty beyond a reasonable doubt. Because ours is a Government of rules and laws, not a Government of men, and so, if the Government of the State cannot prove his guilt beyond a reasonable doubt then he's entitled under the system to his liberty. Now, I mean by that this, this doesn't mean that a lawyer can put in a false defense, it doesn't mean that he can let that defendant take the stand to testify falsely, it doesn't mean that he can put in any evidence that isn't founded on absolute fact. He must comport himself completely and I'm speaking of both the lawyer and the defendant in the trial within the limitations of honesty, decency and integrity and no lawyer can go into a court room with premises other than that. However, it's basic that a defendant is entitled to have his guilt proven beyond a reasonable doubt and let me tell you at this time, Mike, that many people don't know whether they're guilty of the criminal charges that are leveled against them. Because there are many technicalities with respect to some of the more complex criminal statutes federally and statewise which no laymen could know about. (M.W.) But if a fellow comes in and says to you, Mr. Williams, I think I'm guilty, yes, I'm guilty, but I want to get out if I possibly can, would you lend your best efforts to trying to get him out?) It would depend upon the basic facts of the case, of course. I would have to advise him if he were guilty and if the State had a case which would demonstrate his guilt to go to the court to concede his guilt and I would make an argument to the court to extend its mercy to him on the ground that he had conceded his guilt before trial and had not put the State to the burden of proving his guilt. On the other hand, of course, guilt is a legal concept, Mike, it is not a moral concept in the context in which we are using it. (M.W.: I see.) And guilt as a legal concept means that if in a court of competent jurisdiction a jury finds a man guilty beyond a reasonable doubt on evidence presented in a court room and if the State or the prosecution doesn't have that evidence, then, of course, the defendant under the rules that apply to all men is entitled to his freedom.

M.W.:

Let me ask you this then specifically. You helped Frank Costello beat the Government's attempt to deport him. Do you think you did the country a service by helping Frank Costello to stay here in the United States.

E.B.W.:

What I think about what services I render, Mike, really aren't important. (M.W.: They're all important in the context of our conversation.) The basic fact is this, in that case there was uncovered the fact that the Government had used wiretapped evidence in the investigation of the case. Now I don't think that it is terribly important to the people of this country whether Mr. Costello is in Italy or in the United States or in New York or in the penitentiary. It's important to him and his family, but it isn't really creating a ripple on the scene of America. However, I think it's fabulously important that wiretapping, which is a crime, not be employed by any arm of the Government. I think it's fabulously important that the security of conversations, telephonic in nature, not be invaded by any arm of the Government and I think when the Government doesn't play by the rules, when it uses wiretaps, that the Government must be penalized and the only way the courts have found to penalize the Government is to strike down the evidence which is illegally obtained. So I think that the principle which came out of that case was of transcendent importance and I think whenever a blow is struck for an important constitutional principle that it far exceeds the significance of the individual result with respect to the individual defendant.

M.W.:

You talk about wiretapping. You say that occasionally the FBI wiretaps illegally, acts illegally. Is that correct?

E.B.W.:

Well, I haven't said that tonight, but you've said it. I believe it to be the case and my authority for that statement, Mike, is the report of the Attorney General of the United States who concedes that, not the present Attorney General but as a matter of fact eight of the last nine Attorneys General of the United States, has conceded in certain cases the FBI does resort to wiretapping. Now, I deplore this for the simple reason that there is a statute which was passed in 1934 which makes it a crime to wiretap. It makes it a crime for anyone to wiretap and divulge the information that he's heard or to make use of the information and I think it's a tragedy when a great institution like the FBI, and I have total respect for it and believe that it's the greatest investigative agency in the history of the world, but I deplore the fact and think it's a tragedy when they resort to illegal activity in the name of justice and for the purpose of detecting crime. In other words, I philosophically do not accept the tenet that a worthy objective justifies an illicit means.

M. W.:

FBI Chief J. Edgar Hoover disagrees with you, when I say he disagrees with you he disagrees with this point of view, and he cites a 1949 ruling of former Attorney General Tom Clark that the courts prohibit wiretapping evidence in court but not the wiretapping itself and an FBI man told us just yesterday--he said the guy who objects to wiretapping is the first man to want it used if his child is kidnaped and if we have to catch the kidnaper fast. Doesn't that make any sense?

E.B.W.:

It makes this sense to me. There is a statute on the books which makes wiretapping and the use of wiretapped information a crime; a crime whether the FBI does it, whether Mike Wallace does it or whether Ed Williams or anyone else does it. Now I think that if the FBI wants to tap wires or if any Federal agency wants to tap wires the Chief of the agency should go before the Congress of the United States and should ask for an amendment of that statute to provide for wiretapping in certain types of cases, maybe kidnaping cases, maybe cases affecting the national security. Now I for one would be for such a modification of the act. I would be for a modification which permitted wiretapping in the national security cases involving the national security if a warrant was issued out of a Federal court authorizing the taps. Now when you say Mr. Hoover disagrees with me, I don't understand that he's ever singled me out for disagreement (M.W.: I think I've cleared that out) I don't understand that he's singled me out for disagreement in the context in which you introduced me, namely, the speech he made at The American Legion. I think he disagreed with some of the things which we are talking about tonight about which I am expressing an opinion but I have great respect for Mr. Hoover and I hope and think he does for me. (M.W.: I'm sure that he does)

M.W.:

Let's talk about the Fifth Amendment, Ed, that controversial amendment which is so frequently used in trials and congressional hearings. When an alleged communist or an alleged labor racketeer does not want to testify frequently he simply takes the Fifth, says he does not want to incriminate himself. Dave Beck, Frank Costello have used it many many times over. Recently, we interviewed Senator McClellan for our newspaper column and he told us this, he said no one should have the right to take the Fifth Amendment unless he's willing to swear that if he answers he honestly believes his truthful answer might incriminate him. What do you think of that interpretation of the Bill?

E.B.W: I think that no one should invoke the protection of the Fifth Amendment unless he honestly believes that his answer might form a link in the chain of incriminating evidence. But that does not mean, Mike, that innocent men may not invoke the protection of the Fifth Amendment. The Supreme Court has said many times the Fifth Amendment is designed for the protection of the innocent as much as for the guilty. While we're on the subject, let me say this. The Fifth Amendment has come under a great deal of attack by congressional committees recently but we should never lose sight of the fact that the Fifth Amendment is what differentiates our system of justice from the European system of justice. Ours is an accusatorial system where the accused has the right to look at his accuser face to face. The European system is an inquisitorial system. This is the basic difference, namely, the Fifth Amendment.

MW: Let's turn to another issue, based on the Bill of Rights, the First Amendment, guaranteeing freedom of speech and the question of how much freedom you think we should give people. For instance, would you as a staunch defender of the Constitution give communists the right to stand up in front of the White House and advocate violent revolution.

E.B.W: Well, I don't think it's important what I would do. It's important, I think, what the Supreme Court of the U. S. would do. If such a speech by a soap box orator in front of the White House constituted a clear and present danger to the security of the U. S., of course, he could be punished for it under the Smith Act. If on the other hand he was simply giving an exposition of - a philosophical exposition of Marxism and not inciting or exhorting people to violent action it would not constitute a violation of the Smith Act under the Supreme Court's interpretation. So that's how I have to answer that hypothetical question.

M.W. Well, the Supreme Court recently freed five communist leaders on a ruling that said a man could advocate violent overthrow provided he didn't incite outright violent action to achieve his ends, but two of the Supreme Court Justices, Justice Black and Douglas were even more extreme, they said that a communist should have the right even to try to incite violent revolution. Do you disagree with that?

E.B.W.: My feeling on that is this. I think that this decision should be translated into it's simplest common denominator. You stated it a rather a complex way. What the Supreme Court really said in the Yates case, and that is the case to which you refer, is that mere membership in the CP is not a violation of the Smith Act as it was written in 1941. It said that before a violation of the Smith Act could be perpetrated it was necessary that one exhort

his fellow citizens, incite them to the overthrow of the Government. That is an interpretation of the Smith Act with which I agree, I think it's a reasonable interpretation, I'm in good company, I'm in the company of the great majority of the Supreme Court which is very good to me. I don't particularly agree, Mike, with the concurring opinions of the two Justices whom you mentioned.

M.W: Black and Douglas.

E.B.W: Although they all agree in the same result as to the five communists in California.

MW: Ed, in recent months the Supreme Court has handed down a series of controversial decisions; communists can advocate revolution, FBI files were opened in some measure to defense lawyers, congressional committees were curbed in their power to demand answers from witnesses. At least partially because of this, Loyd Wright, the Chairman of the Commission on Government Security, told us in our newspaper column, he said this, he said in the light of present-day dangers, I would like to see a commission review the Constitution and its Amendments to see whether it overemphasizes or underemphasizes individual rights as against national security and then he said it's just possible that some of our freedoms may be out of date. In just a minute I'd like you to give me your opinion of that statement by Loyd Wright. We'll get the answer to that question in just a minute.

(Commercial)

M.W: Now then, do you want me to repeat the Wright statement, Ed Williams?

E.B.W: No, I think I understand what you've said - that Mr. Wright, I have great respect for Mr. Wright, he was the past president of the American Bar Association, but I am very surprised that he made the statement that you say he made where he says that it is possible that some of our freedoms may be out of date. I hope we never see the day when any of our freedoms may be out of date or passe because when that day comes, it won't be worthwhile to course all our energies and all our talents into the cold-war against international communism because if our freedoms become out of date, we'll have yielded theologically to the philosophy of communism. I think our freedoms as expressed in the Bill of Rights are just as fresh as tomorrow morning. I don't think they're passe, I don't think they ever will be.

M.W: Perhaps he was suggesting that a totalitarian state can surprise us just because they can operate under wraps more effectively than we can.

Everything that we do more or less is out on the table and maybe he means that for the pure sense of national security it is necessary that we consciously, self-consciously abridge some of our freedoms.

E.B.W: Of course it is a great paradox, Mike, to say that we should give up some of the freedoms that we have cherished for 166 years in the name of the fight against communism because then we will have done to ourselves what we fear so much from the Soviet Union.

M.W: Ed, what do you think of the current Supreme Court, the Eisenhower Supreme Court?

E.B.W: I think it's the greatest court of our generation, and I'm greatly thrilled every Monday when I read the decisions that come out of that court in the area of civil liberties and human freedoms.

M.W: You think then that Chief Justice Warren is operating in the finest of American traditions in spite of the fact that he has been taken to task by some people within our own Government.

E.B.W: Surely the Supreme Court has come under attack, I think the Supreme Court has in the past couple of years struck some of the great blows in the history of the Constitution for individual liberties and human rights and some of those decisions which you mentioned a moment ago in the context of the question about Mr. Wright I think are great decisions, I'm sorry that we don't have the time tonight to discuss them, but it would be a great thing if we could talk about them because I think they were characterized inaccurately.

M.W: Ed, I want to know if you think this shoe fits. Recently, FBI Chief J. Edgar Hoover made a speech in front of the American Legion which he called the deadly menace of pseudo-liberals and he said this, he said "the pseudo-liberals claim to be anticommunist but they launch attacks against Congressional legislation designed to curb communism, they distort and misrepresent and ridicule the Government security program. Sadly the cult of the pseudo-liberal continues to float about in the pink-tinted atmosphere of patriotic irresponsibility" and he concluded by saying this, he said, "Freedom divorced from authority and discipline is a frightening thing and the first step to total moral degeneration." Do you feel that any of that attack, Ed, is directed at you?

E.B.W: Are you asking me if I think that Mr. Hoover had Ed Williams in mind when he made that statement (M.W: No, I think you know.) I'm quite sure he did not. (M.W: I think you know that's not what I meant.) I deplore pseudo-liberalism just as much as Mr. Hoover does. I suppose we all deplore

pseudo anything because pseudo anything is hypocrisy and fakery and when Mr. Hoover talks about pseudo-liberals and those who take positions simply for the purpose of accomplishing illicit ends where badly motivated I agree wholeheartedly with him, and I don't find anything in that statement with which I disagree. I subscribe to it all the way, Mike. (M.W: And you are convinced that J. Edgar Hoover is just as interested in protecting our individual liberties as is Edward Bennett Williams) I certainly am, I disagree with him on questions of law. It would take us a long time to go into those, but I think J. Edgar Hoover is an outstanding American, I have total admiration for him and for his agency. (M.W: Thank you, Ed, very much for coming and spending this half-hour on the eve of Bill of Rights Day.)

M.W: It's been said that the worst enemies of our civil liberties as guaranteed by the Bill of Rights come not from without but from within. You've just heard the word of a respected lawyer, Edward Bennett Williams, on this issue. His word may not be the last but none of us can afford to ignore it.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI DATE: 5/9/58

FROM : SAC, New Orleans

SUBJECT: EDWARD BENNETT WILLIAMS
Attorney, Washington, D. C.
Speech "On Civil Liberties"
at Georgetown University

Attention: Crime Records:

The Bureau may be interested in reprint of captioned lecture delivered at Georgetown University, Washington, D. C., as a part of the Gaston Lecture Series, wherein speaker refers several times to the FBI. Article begins at page 5 in enclosed Georgetown University Alumni Magazine, May, 1958.

2 - Bureau (Encl. 1)
1 - New Orleans

RJA:ez
(3)

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ENCLOSURE

EX-108

REC-58 62-98896-16

MAY 21 1958

EX-108

CRIME REC.

57 JUN 2 1958

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nease

FROM : M. A. Jones

DATE: May 14, 1958

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/51 BY SP-2 mze/pd

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Gandy

SUBJECT: ARTICLE ENTITLED "ON CIVIL LIBERTIES" BASED ON LECTURE BY EDWARD BENNETT WILLIAMS, GASTON LECTURE SERIES, GEORGETOWN UNIVERSITY ALUMNI MAGAZINE MAY, 1958, PAGE 5

SAC Abbaticchio of New Orleans forwarded his copy of the May, 1958, issue of the "Georgetown University Alumni Magazine" which contained an article commencing on page 5 entitled "On Civil Liberties" based on a lecture given by Edward Bennett Williams, the prominent Washington attorney who defended James Hoffa among others.

A review of this article reveals that Williams is opposed to the use of wire tapping by the FBI even under the current practice whereby the specific approval of the Attorney General is obtained. He feels that all wire tapping is illegal whether done by a Federal agency or not. His observations on this topic contain nothing new and were all given at the time he appeared on the Mike Wallace interview program on December 14, 1957. The Bureau has previously reviewed the complete transcript of that program.

Williams also indicated his support of the Supreme Court ruling in the Jencks case and commented that Congress had hysterically rushed through a bill to counteract the decision in the Jencks case.

Williams stated that there are inequities in the criminal procedure and cited statistics for 1956 whereby 31,811 people were accused of crimes by the United States Government across the Nation, and 27,657 persons or 90 per cent were convicted. In the 11,000 cases in which the FBI investigated, the percentage of convictions was 96.4 per cent. (The Annual FBI Report for the Fiscal Year 1956 reflects that verdicts of guilty were returned against 96.4 per cent of the persons brought to trial.) Williams stated that the Government -- no litigant -- can win 90 per cent of a big volume of litigation. His point seems to be that the mere fact that the Government was successful in this percentage of its cases indicated per se that inequities were involved.

(Continued next page)

Mr.
1 - Boardman
1 - Mr. Belmont
1 - Mr. Rosen
1 - Mr. Tamm
HEH:jcs
(9)

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EX-108

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MAY 21 1958

CRIME REC.

PERS. FILES

Williams also decried organized assaults on the Fifth Amendment and the concept of "guilty by silence." He added that closely related to the concept of "guilt by silence" was the concept of "guilt by client." He stated that in 14 states prospective candidates for jobs as prosecutors are asked "Have you ever represented an ex-convict, one accused of Communism, a hoodlum, a racketeer?" Williams feels that this interferes with the Sixth Amendment whereby every man accused of crime has the right to counsel.

RECOMMENDATION:

None. For information.

and Williams is one of those suggested by Jim Bennett to participate at the Criminal Section meeting of the ABA in L. A. this August.

Mr. Tolson
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Nease
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C.Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

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DATE 3/5/91 BY SP-7 mac/BS

6/25/58

AIRTEL

TO: DIRECTOR, FBI

FROM: SAC, WFO (62-0)

EDWARD BENNETT WILLIAMS
MISCELLANEOUS - INFORMATION CONCERNING

On 6/24/58, EDWARD P. TROXELL, AUSA, Washington, D. C., in strictest confidence advised SA CHARLES H. SCHAFER that he heard from a source which he stated he wanted to keep very confidential, that EDWARD BENNETT WILLIAMS was the "lay off man" for the gamblers in Washington, D.C. WILLIAMS is a prominent attorney in Washington, D.C., who represented JAMES HOFFA. TROXELL, again emphasizing the confidential nature of his information, stated when asked, that his source was [redacted]. It was stated by TROXELL that CHARLES FORD, now deceased, an attorney in Washington, D.C., had in the past been suspected as being a "lay off man" and since his decease, WILLIAMS has taken his place. b7D

TROXELL described the information as coming to his attention by his source as strictly gossip, adding [redacted] might have had a run-in with WILLIAMS [redacted] and reflected he did not want [redacted] name mentioned in any respect.

TROXELL advised he had no additional information to support this gossip he heard from [redacted]

3-Bureau
2-WFO
(1-94-35)
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(5)

AIRTEL

REC- 10 62-98896-18

66 JUL 2 1958

cc-Invest Div.

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN 6-25-58

FROM : A. ROSEN

DATE: 6/19/58

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE DATE 3/5/91 BY SP-7 mac/bb

SUBJECT: Edward Bennett Williams

Tolson
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Tele. Room
Holloman
Gandy
W. C. Sullivan

Malcolm Anderson, Assistant Attorney General of the Criminal Division, came by to advise me of the following matters today.

He indicated that the Department was presently in the process of getting together the proposed legislation which was suggested by the Director concerning organized crime. He said there were a number of bills that had been prepared, he was trying to get them together and he would make them available when they are ready. He understood that they were going to be submitted when completed and approved as legislation which would be sponsored by the Department as an administration offering.

He handed me his copy of Senate Bill 1367 which is dated February 25, 1957. He said they planned to take this bill and reintroduce it. It prohibits transmission of certain gambling information in interstate and foreign commerce by communication facilities, and for other purposes. He said that the bill is one aimed at the transmission of gambling information which would be administered by the Federal Communications Commission in controlling the type of information which could be disseminated over transmission facilities. He said that his assistants, however, have added a penal provision to page three of the bill. (The only copy of the bill is attached.) The addition is attached to page three. By putting this penal provision in the bill, it would seem that the jurisdiction would be transferred from the Federal Communications Commission to the FBI. There immediately arises the usual objections to such legislation inasmuch as it has previously been considered as censorship, control of dissemination of information which would be freely disseminated, freedom of the press and the like. Nevertheless, this bill is being carefully analyzed and the analysis of the bill and recommendations will be submitted to the Director. This is being expedited.

Memo A. Rosen to Boardman 6-25-58

62-98896

3 ENCLOSURE

Anderson mentioned that the Mack case had been completed and the Department had drawn up a proposed indictment; had submitted the matter to U. S. Attorney Oliver Gasch of the District and Gasch [illegible] first.

Enclosures

66 JUL 2 1958

AR:ls
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assistant, Troxell, had indicated that he felt the Department didn't have a case. Anderson states that he is unable to understand the position which Troxell has taken and intends to discuss the matter with the Attorney General. He said that the fact that the Department may want to try this case and use one of its attorneys here rather than out of the U.S. Attorney's Office may have a bearing on Troxell's view but this is only conjecture. He said it was his feeling that they had a good case and he was going to talk to the Attorney General about it. He said that they, of course, have to consider the effect that the return of an indictment at this time would have upon the hearings which will be on concerning the granting of the TV channel to the Miami station. Anderson indicated the Mack case is another example of influence peddling which does not reflect favorably upon the administration at this time.

Anderson handed me a letter which is attached which was written to him by James W. Connor, Operating Director of the St. Louis Crime Commission. It relates to Anderson's appearance at the Midwest meeting of the American Bar Association and indicates that Connor wished to compliment Anderson for the forthright, effective manner in which he rebutted Edward Bennett Williams' oratory. Connor states that it was gratifying to see Mr. Williams squirm and backtrack in his all-out espousal of Section 605 of the Federal Communications Act. ([redacted] James W. Connor is a former Special Agent.)

When Anderson handed this to me he told me that he was really incensed at Williams' remarks and that he gave an impassioned talk which he felt was justified and pointed out that he had had an opportunity to know the work of the FBI in his broad experience over the years and that there was no agency which could be compared with the FBI in its desire to protect the rights of an individual. He said among the things that he mentioned was the fact that the Director had been associated with ten Attorney Generals who had all uniformly ruled on the question of wire tapping and he felt that Williams would be the first to criticize the FBI if it did not comply with the rulings of the Attorney General.

Anderson also handed me a copy of a proposed legislation which was in rough draft form on unlawful businesses and illegal expenses. This deals with deductions which might be made for expenses in connection with the conduct of any illegal business or occupation, which expenses

Memo re Anderson 6-24-58 RJM

might otherwise be allowable if they were made in a legitimate business. This bill, which is attached, is also being analyzed and being expeditiously handled.

Memorandum • UNITED STATES GOVERNMENT

TO: DIRECTOR, FBI

DATE: June 18

FROM: SAC, ST. LOUIS

SUBJECT: AMERICAN BAR ASSOCIATION,
MIDWEST REGIONAL MEETING
June 11-13, 1958
ST. LOUIS, MISSOURI

Mr. Tolson
Mr. Boland
Mr. Belmont
Mr. Mohr
Mr. Nease
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Clayton
Tele. Room
Mr. Holloman
Miss Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/11 BY SP-7 [illegible]

Re my teletype June 13, 1958.

The Criminal Law Section of captioned meeting was held in the Crystal Room at the Sheraton-Jefferson Hotel in St. Louis on June 13, 1958, commencing at 2:00 P.M. A panel comprised of Assistant Attorney General MALCOLM ANDERSON, EDWARD BENNETT WILLIAMS, Washington, D. C. attorney, and VIRGIL W. PETERSON, Director of the Chicago Crime Commission, led a discussion on the subject "Trends of Recent Decisions of the Supreme Court in the Field of Criminal Law" which was presided over by ARTHUR J. FREUND, attorney of St. Louis.

Assistant Attorney General ANDERSON opened the session with a brief resume' of the facts and court decisions in the following cases: JENCKS vs. United States, WATKINS vs. United States, SWEAZY vs. New Hampshire, YATES vs. United States, MALLORY vs. United States, and TRILLING vs. United States (Circuit Court of Appeals, District of Columbia) and VENATI vs. United States, which ANDERSON stated he added at the specific request of EDWARD BENNETT WILLIAMS. ANDERSON did not take any position on any of the decisions in any of these cases; he simply set them out for the audience as a basis for the discussion which was scheduled to follow by WILLIAMS and PETERSON.

EDWARD BENNETT WILLIAMS said he believes the present Supreme Court is the greatest of this generation and that he is delighted with its recent decisions as a protection of civil rights, but his delight turns to dismay when he sees those decisions followed by waves of criticism and adverse legislation designed to counter the

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1 - St. Louis
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JUN 18 1958

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decisions. WILLIAMS briefly expressed agreement with the decision in JENCKS vs. United States on the ground that in no other way can the defendant get a fair trial. He said WATKINS vs. United States simply curbs the recent tendency of the Congress to overstep, largely for publicity purposes, its lawful rights to investigate. He said the MALLORY decision is "nothing more than a restatement of the decision in MC NABB vs. United States.

WILLIAMS then paid tribute to the FBI as the "finest investigative organization in the history of the world" but stated "it has stained its otherwise impeccable record" by tapping wires illegally. He gave a purported quote of the Director of March, 1940, in substance that "the distrust and suspicion which attaches to a law enforcement agency which taps wires more than offsets any good which may be accomplished". WILLIAMS emphasized that he agreed wholeheartedly with this statement. WILLIAMS then quoted the Director as saying recently that the FBI has ninety wire taps in operation. He alluded to the HOFFA wire tapping case by saying the Government indicted an individual for one wire tap at the time the principal investigative agency of the Federal Government had ninety wire taps in operation.

Assistant Attorney General ANDERSON, at the conclusion of WILLIAMS remarks, requested permission of Section Chairman ARTHUR J. FREUND to have an opportunity to reply to Mr. WILLIAMS, which request was granted. Mr. ANDERSON fully and clearly explained the basis for FBI wire taps and in so doing emphasized no organization does more to protect civil rights than the FBI. He said contrary to WILLIAMS' assumption, the Supreme Court has not held Federal wire tapping to be illegal. Secondly, each FBI wire tap is placed with the explicit authority of the Attorney General and a long succession of Attorney Generals have upheld the legality of these wire taps. Thirdly, wire taps are being used only for national defense purposes.

VIRGIL PETERSON, former SAC, now heading the Chicago Crime Commission, made a logical talk in favor of the proposition that civil rights are the rights of everyone and should be understood to include the rights

of the victims of crime as well as those of the accused. He cited many cases in which the courts have been forced to turn loose persons who are obviously guilty simply because of the technicalities of court decisions. He referred to the great and growing crime trend in the United States as evidence that it is high time to protect the public against the criminal. He made no mention of wire taps.

At the conclusion of the addresses by panel members, questions were invited from the floor. While a number of questions were asked relating to the various decisions mentioned, not one question involving wire tapping was raised.

There were approximately one hundred chairs in the meeting room and all were full with some overflow on the steps leading into the room.

Attached is an article appearing in the St. Louis Globe Democrat June 14, 1958, captioned "Bar Convention Panel Split on Wire Tapping" which reports the comments of WILLIAMS and the defense made by ANDERSON.

I attended various sectional meetings during the two day conference and was present with SA DWIGHT J. DALBEY at the Criminal Law Section. The opening General Assembly Session commenced at 9:30 A.M., June 12, 1958, and featured a discussion on "Whether the Appellate Power of the Supreme Court Should Be Limited or More Expressly Declared". JEFFERSON B. FORDHAM, Dean of the University of Pennsylvania Law School, spoke against limiting the appellate power in an impassioned plea to leave well enough alone. CHARLES J. BLOCH, a member of the Georgia Bar and former president of the Georgia Bar Association, with considerable southern oratory gained support of the audience in his contention that the judiciary is attempting to usurp the legislative powers of both the State and Federal Government.

The Section of Judicial Administration met at 2:00 P.M. on June 12, 1958, with the theme being "Law and the Layman". W. R. PERKINS, President, Emerson Electric Manufacturing Company, was the principal speaker who paid tribute to the contribution made by attorneys to big business. He called on the legal profession to

"make brief on inflation in America" as it is a serious threat to the financial welfare of our country. Three representative laymen had been pre-selected to ask certain questions of three panel members to round out the program. The panel members consisted of LAWRENCE N. HYDE, Justice, Supreme Court of Missouri, DAVID A. MC MULLAN, Juvenile Judge, St. Louis Circuit Court, and M. C. MATTHES, Judge, St. Louis Court of Appeals.

The Section on Judicial Administration also met at 2:00 PM. on June 13, 1958, to discuss "Proposed Uniform Rules of Evidence". I had the opportunity of meeting United States District Judge JOSEPH ESTES of Dallas, Texas, who expressed his highest regards for the FBI and his great admiration of the Director and Assistant Director QUINN TAMM. I covered very little of this session as I desired to be present at the Section of Criminal Law.

With the exception of the remarks by Mr. WILLIAMS, the remainder of the meeting was of no particular consequence to the Bureau.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 13 1958

TELETYPE

Mr. Tolson
Mr. Boardman
Mr. Belmont
Mr. Mohr
Mr. Nease
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. Clayton
Tele. Room
Mr. Holloman
Miss Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/91 BY SP-1 ...

URGENT 6-13-58 6-32 PM

TO DIRECTOR. FBI

FROM SAC, ST. LOUIS 2 P LL

AMERICAN BAR ASSN., MIDWEST REGIONAL MEETING, JUNE ELEVEN TO THIRTEEN, FIFTYEIGHT, ST. LOUIS, INFORMATION CONCERNING. AT AFTERNOON SESSION JUNE THIRTEENTH INSTANT OF CRIMINAL LAW SECTION OF ABA, EDWARD BENNETT WILLIAMS, WASHINGTON, D.C. ATTORNEY, AS PANEL MEMBER ON TOPIC QUOTE TRENDS OF RECENT DECISIONS BY THE U.S. SUPREME COURT IN THE FIELD OF CRIMINAL LAW UNQUOTE, DURING HIS DISCUSSION PAID TRIBUTE TO THE FBI AS THE QUOTE FINEST INVESTIGATIVE ORGANIZATION IN THE HISTORY OF THE WORLD UNQUOTE, BUT STATED QUOTE IT HAS STAINED ITS OTHERWISE IMPECCABLE RECORD UNQUOTE BY TAPPING WIRES ILLEGALLY. HE GAVE A PURPORTED QUOTE OF THE DIRECTOR OF MARCH FIFTEEN, FORTY, IN SUBSTANCE THAT QUOTE THE DISTRUST AND SUSPICION WHICH ATTACHES TO A LAW ENFORCEMENT AGENCY WHICH TAPS WIRES MORE THAN OFFSETS ANY GOOD WHICH MAY BE ACCOMPLISHED, UNQUOTE. WILLIAMS EMPHASIZED HE AGREED WITH THIS STATEMENT. WILLIAMS THEN QUOTED THE DIRECTOR

END PAGE ONE

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76 JUL 1 1958

67 JUL 2-1958

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AS SAYING RECENTLY THAT THE FBI HAS NINETY WIRE TAPS IN OPERATION. ASSISTANT ATTORNEY GENERAL MALCOLM ANDERSON, WHO WAS ALSO ON THE PANEL AND WHO PRECEDED WILLIAMS AT THE CONCLUSION OF WILLIAMS REMARKS, REQUESTED PERMISSION TO RESPOND TO WILLIAMS, WHICH WAS GRANTED BY SECTION CHAIRMAN ARTHUR FRUEND. MR. ANDERSON FULLY AND CLEARLY EXPLAINED THE BASIS FOR BUREAU WIRE TAPS. ANDERSON EMPHASIZED NO ORGANIZATION DOES MORE TO PROTECT CIVIL RIGHTS THAN THE FBI. HE SAID CONTRARY TO WILLIAMS ASSUMPTION, THE SUPREME COURT HAS NOT HELD FEDERAL WIRE TAPS TO BE ILLEGAL. SECONDLY, EACH FBI WIRE TAP IS PLACED WITH THE EXPLICIT AUTHORITY OF THE ATTORNEY GENERAL AND A LONG SUCESSION OF ATTORNEYS GENERAL HAVE UPHELD THE LEGALITY OF THESE WIRE TAPS. THIRDLY, WIRE TAPS ARE BEING USED ONLY FOR NATIONAL DEFENSE PURPOSES. I ATTENDED VARIOUS SESSIONS OF THE MEETING AND WAS PRESENT WITH SA DWIGHT J. DALBEY AT CRIMINAL LAW SESSION. REMAINDER OF MEETING OF NO PARTICULAR CONSEQUENCE TO BUREAU. DETAILED MEMO CONCERNING WILLIAMS REMARKS AND BRIEF RESUME OF MEETING FOLLOWS.

END AND ACK PLS

7-36 PM OK FBI WA JG

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ORIGINAL--DIRECTOR

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 1 1958

TELETYPE

Mr. Tolson	
Mr. Belmont	
Mr. Mohr	
Mr. Nease	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. W.C.Sullivan	
Tele. Room	
Mr. Holloman	
Miss Gandy	

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b7C
b7D

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/5/02 BY SP2 JC/AE #941854

URGENT 8-1-58 6-58 PM PDT CPC

TO DIRECTOR, FBI

FROM SAC, SAN FRANCISCO 2 PGS

EDWARD BENNETT WILLIAMS. INFORMATION CONCERNING. [redacted]

[redacted]

TODAY ADVISED THAT EDWARD BENNETT WILLIAMS PRESENTED SPEECH CAPTIONED "FIVE YEARS OF THE WARREN COURT," EIGHT ONE FIFTYEIGHT, BEFORE FRIDAY LUNCHEON MEETING OF COMMONWEALTH CLUB, WHEREIN WILLIAMS ATTACKED CONGRESS FOR PASSING LEGISLATION DESIGNED TO CIRCUMVENT SUPREME COURT DECISIONS. WILLIAMS ALSO ATTACKED WIRE TAPPING DURING SPEECH, NOTING FBI HAS ADMITTED NUMEROUS WIRE TAPS AND HAS VIOLATED WIRE TAP LAWS FOR TWENTY FIVE YEARS. WILLIAMS COMMENTED THAT, ALTHOUGH HE HAD PROFOUND RESPECT FOR DIRECTOR HOOVER, FBI SHOULD PETITION CONGRESS FOR CHANGE IN LAWS IN CASES WHERE WIRE TAPS ARE BELIEVED NECESSARY. [redacted] IDENTIFIED WILLIAMS AS PROMINENT WASHINGTON, D.C., ATTORNEY, ONE THOUSAND HILL BUILDING, WASHINGTON, D.C. STATED WILLIAMS IS A DIRECTOR OF AMERICAN CIVIL LIBERTIES UNION AND REPORTEDLY FORMER ATTORNEY FOR JAMES HOFFA AND JOSEPH MC CARTHY. STATED WILLIAMS WAS RECOMMENDED AS SPEAKER BY CLUB MEMBERS BART CRUM, PROMINENT NY ATTORNEY, AND HERBERT HANLEY, SAN FRANCISCO INSURANCE BROKER. APPROXIMATELY TWO HUNDRED AND SEVENTY FIVE PEOPLE WERE PRESENT AT SPEECH. SPEECH, AND QUESTIONS FROM FLOOR FOLLOWING SPEECH WERE RECORDED, ACCORDING TO [redacted] AND WILL BE BROADCAST BY

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Mr. Nease

PAGE TWO

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RADIO STATION KLX, OAKLAND, AT TWELVE FIFTEEN P.M., SUNDAY. WILLIAMS SPEECH, WITHOUT QUESTIONS, WILL BE BROADCAST OVER SIX OTHER CALIFORNIA STATIONS DURING FOLLOWING WEEK. [redacted]

[redacted] ABOVE BEING FURNISHED BUREAU FOR INFORMATION. SAN FRANCISCO WILL RECORD WILLIAMS SPEECH AS BROADCAST OVER KLX AND PERTINENT PORTIONS WILL BE FORWARDED BUREAU.

END AND ACK PLS

10-05 PM OK FBI WA CS

TU DISC M

SF OPR

cc- Mr. Moore

FD-36 (Rev. 12-13-56)

FBI

Date: 8/4/58

Transmit the following in _____ (Type in plain text or code)

Via AIRTEL AIRMAIL REGISTERED (Priority or Method of Mailing)

b2 b6 b7C b7D

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Casper
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C. Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/5/02 BY SP5 JC/AE

TO : Director, FBI

FROM : SAC, San Francisco

SUBJECT: EDWARD BENNETT WILLIAMS
INFORMATION CONCERNING

CONFIDENTIAL (4)

ReSFrad 8/1/58.

EDWARD BENNETT WILLIAMS, Washington [redacted] for his defense of controversial figures, presented a speech before the Commonwealth Club in a meeting held in the Sheraton Palace Hotel, San Francisco, Calif., on Friday, 8/1/58. Set forth hereafter are pertinent excerpts of his comments relating to the Director, the Bureau, and other aspects of possible interest to the Bureau:

"In the same year, 1957, the BENANTI (ph) decision recognized that 25 years ago the Congress made it a crime in this land to tap telephone wires and divulge the contents of the overheard conversations, or to make use of the information derived from the taps. For 25 years the greatest investigative agency in the history of the world has sullied its otherwise stainless reputation by violating this criminal statute year after year. And I refer to the FBI. For 25 years, the FBI in cavalier fashion has been tapping wires in certain classes of cases as standard investigative technique. New York and some of her sister states purport to authorize wire taps in the face of a Federal criminal statute outlawing them. And in the BENANTI (ph) decision, by way of dictum, the Supreme Court of the United States breathed a new vitality into the old principle that ours is a Government of rules and

(3) - Bureau (AM REG)
1 - Los Angeles (AM REG)
1 - San Diego (AM REG)
1 - San Francisco

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SENT DIRECTOR 8-6-58

14 SEP 5 1958

EX-128

Approved: SEP 1 1958 Sent _____ M _____
Special Agent in Charge

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WKW:cs

"laws and not of men. That the basic difference between the totalitarian system and ours is that in the totalitarian system the police are the law and in ours they are under the law. A difference that is dramatically symbolized by the fact that in Moscow they keep Lenin under glass and in Washington, we keep under glass the American Bill of Rights.

"But notwithstanding the dictum of the BENANTI (ph) decision, the FBI continues to tap wires. And New York State and other states continue to tap wires, showing defiance for the edict of the court. What is the justification for this necessity? Well, necessity has been the argument for every infringement of human rights since the advent of this democracy. It's the argument of tyrants and the creed of slaves, said Mr. William Pitt. And on May 20th of this year, the American people were treated to the fantastic spectacle of watching the Director of the FBI, for whom I personally have profound admiration, respect and affection. But the American people watched him on May 20th on a national television hook-up state that his agency at that moment had ninety wire taps in operation; the same day that a Federal prosecutor from his department went before a jury in New York, and asked that jury to return a verdict that would send an American labor leader into the penitentiary for allegedly tapping one wire."

(The next portion of the speech relates to his early experiences in law practice, when he was with a large law firm and regularly defended large utility, street car, taxicab companies, etc., against suits for money damages brought "by little old ladies" who had been hit crossing the street.)

He continued that he found he was able to obtain a complete statement from the suing party, the names of his or her witnesses, was able to take the testimony of all of those witnesses and to get all the relative documentary evidence, so "that when I went into court, I was like the quarterback running out onto the football field, with a diagram of the

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

WKW:cs

"opposition's plays and a set of their signals. Before I went to the defense of people whose liberty, sometimes whose life, and always whose reputation were at stake on the criminal side of the court, I found that none of these rules applied. I found that I couldn't take any testimony before trial. Nor could I for any practical purposes get documentary evidence germane to the issues. So that I went into court standing beside a man whose liberty was in jeopardy, I was flying blind. I found it very hard to believe then and I find it very hard to believe now, that when the founding fathers of this republic wrote the hallowed American Bill of Rights in 1791, that they intended to protect corporate bankrolls by procedural rules more advantageous than those which protect human liberty. I found it very hard to believe then and I find it very hard to believe now, that they intended to throw greater safeguards around a check book than the dignity and freedom of the individual. Last year in the much maligned JENCKS case, the Supreme Court took a step -- not a very long one -- a very short conservative step in the right direction. It said that whenever a man is accused of a crime, where his liberty is in jeopardy, and where it develops that his accuser has made prior inconsistent statements written in nature, that the accused whose liberty is in jeopardy should have the right to see those statements, notwithstanding the fact that some Government clerk may have marked them confidential. When the court made this decision, the hue and the cry that went up was so deafening that the Congress in the last days of the session were motivated hysterically to rush legislation through designed to delimit and circumscribe the effect of this decision.

"Four weeks ago the Supreme Court said that an American citizen who has been convicted of no crime, who has been indicted for no crime, who has been arrested for no crime, and in fact, who has been accused of none, should enjoy his God given right to freedom of locomotion; his God given right to freedom to travel. The hue and cry that went up once again

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FD-36 (Rev. 12-13-56)

FBI

Date:

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(Priority or Method of Mailing)

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WKW:cs

"from the halls of Congress was deafening, and legislation was rushed on the floor once again to countervail the decision of the highest court in the land. And so it has been over the past five years, with each decision out of this court in the area of human liberty and individual freedom. When the court said in the NELSON case that there should be one standard of sedition in this country, not forty-eight; that the same standard of seditious behavior that applies in New York should apply in San Francisco, the Senate Judiciary Committee rushed forward with legislation to overturn that decision and permit 48 states to set up 48 standards of Americanism. When the Supreme Court in the famous MALLORY decision struck out at dragnet arrests based upon suspicion and illegal detentions by the police, the Senate Judiciary Committee rushed forward with legislation to overturn that decision.

"Four years ago the Chief Justice of the United States, said in St. Louis, Missouri, at Washington University, that he had grave doubts as to whether the American Bill of Rights, if offered as a piece of legislation, could pass the Congress. I am sure that today it could not. I'm sure that it couldn't get out of the Senate Judiciary Committee.

"I brought along with me a document. A document that came out of the Senate Judiciary Committee, paid for with your money and mine, with the Seal of the United States Senate on it. It was disseminated for three weeks and hurriedly withdrawn in shame because it constitutes the most scurrilous unbridled attack on an arm of Government ever made by another responsible arm of Government, I think, in our national history. This document is called 'The Supreme Court as an Instrument of Global Conquest' put out by the Senate Judiciary Committee, prepared by an organization known only as 'SPX Research Associates.' The thrust of this document is that the highest court in this land is acting as an arm of the Communist Party. Am I overstating the case? I think not. Let me read just

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FD-36 (Rev. 12-13-56)

F.B.I

Date:

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(Type in plain text or code)

Via _____
(Priority or Method of Mailing)

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WKW:cs

"lines from the document on S-2646. Question: Do Supreme Court patterns coincide with or follow established pressure patterns of the Communist global conquest by paralysis? Answer: Affirmative. Question: Do recent decisions of the Supreme Court follow pre-established Communist lines and contentions? Answer: Affirmative. Question: Have recent decisions of the Supreme Court assumed a pattern of aid and comfort to the enemy? Answer: Affirmative.

"With what was this document met from the American Bar and the American public? The most scurrilous document ever put out about the high court was met with apathy and indifference. For the Bar there is no excuse. For the public there is the excuse of tragic ignorance of the Bill of Rights. Three months ago a great midwestern university conducted a poll among the political science majors in the sophomore class across the West. A form was sent to the students majoring in Political Science. On this form was stated the fourteen cardinal principles of the Bill of Rights and the students were asked to state whether they believed in them or not. To the dismay and chagrin of the professors, the majority of these college students majoring in the Social Sciences, said that they did not believe in the peaceable right of assembly of all Americans. They did not believe in the right of the accused to always be confronted by his accuser. They did not believe in the privilege against self-incrimination, or the principle of double jeopardy. But they all answered, all who were polled, that they believed in the American Bill of Rights, demonstrating by their answers that they didn't know what the American Bill of Rights really was. It would take an analysis far more profound than I can assay here to find out why the fires once blazing for freedom in the minds of American youths have been so carefully banked. Well, one thing is sure, and the WARREN court has recognized this, the time has come to give those fires a new incandescence."

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: May 7, 1959

FROM : C. D. DeLoach

SUBJECT: EDWARD BENNETT WILLIAMS

Tolson
Belmont
DeLoach
McGuire
Mohr
Parsons
Rosen
Tamm
Trotter
W. C. Sullivan
Tele. Room
Holloman
Gandy

For record purposes, SAC Kelly of the Baltimore Office called at 5:00 p.m. today and talked to Wick. He said the Baltimore Evening Sun today contains an article captioned "Warren Court Praised" in which it comments on the talk given last evening by Attorney [redacted] Edward Bennett Williams before the Maryland branch of the American Civil Liberties Union.

According to Kelly, the Director is mentioned in that Williams named the Director and the American Bar Association as being critical of the Supreme Court. This is the only mention of the Director in the article and presumably by Williams in his talk.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/91 BY SP-1 Mac/Sp6

ACTION:

For record purposes.

1 - Mr. Jones
REW:sak
(3)

REC- 15 62-98896-2

23 MAY 12 1959

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CRIME REC.

57 MAY 18 1959

PERS. FILES

FD-36 (Rev. 12-13-56)

F B I

Date: 5/9/59

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via AIRTEL REGISTERED MAIL
(Priority or Method of Mailing)

Mr. Tolson
Mr. Belmont
Mr. DeLoach
Mr. McGuire
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Trotter
Mr. W.C.Sullivan
Tele. Room
Mr. Holloman
Miss Gandy

Classification Conducted Serial 4774

TO: DIRECTOR, FBI

FROM: SAC, BALTIMORE (100-13457)

ATTACKS AGAINST THE FBI
(SPEECH BY EDWARD BENNETT WILLIAMS, 5/6/59)

b2
b7D

Re Telephone call of SAC JAMES J. KELLY, Baltimore, 5/7/59 and re article in Baltimore Morning Sun, 5/7/59, captioned, "Warren Court Praised; Dr. KRAUSHAAR Is Honored."

[redacted] who has furnished reliable information in the past, attended the above referenced meeting of the Maryland Branch of the American Civil Liberties Union held on 5/6/59, at Friends Meeting House, 3107 North Charles Street, Baltimore. The documentation data for informant's report is as follows:

Source	Date of Activity	Date Furnished	Agent Receiving	Filed
[redacted]	5/6/59	5/9/59	SA [redacted]	

Informant's report is set forth verbatum, herewith for complete information of the Bureau:

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"May 8, 1959
Baltimore, Maryland

"The Maryland Branch of the American Civil Liberties Union held a meeting at the Friends Meeting House,

REC-46

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3 - Bureau (Registered Mail)
6 - Baltimore (100-13457)
(1cc 100-1761 - (ACLU))
(1cc 100-15298- (ROBERT KAUFMAN))
(1cc 100-20211- ([redacted]))
(1cc 100-20208- ([redacted]))
(1cc 100-11928- (COMINFIL-ADA)

EX. 62-98826-22

MAY 19 1959

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/5/02 BY SP5JC/AE #941854

Approved: _____ Sent _____ M Per CRIME REC.

Special Agent in Charge

6 G MAY 20 1959

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3107 N. Charles Street, 8.30 PM, Wednesday evening, May 6, 1959, the purpose of which was supposed to be an annual meeting to report activities during past year, and to give an award to Dr. OTTO F. KRAUSHAAR. MD.

After a brief talk by one of the local Civil Liberties Union officials about integration and censorship legislation, in Baltimore and Maryland, a man named EDWARD BENNETT WILLIAMS was introduced as a special guest speaker. MR. WILLIAMS talk consisted almost entirely of expressing disapproval of the fact that numerous persons had exercised the right of free speech and had doubted the wisdom of some of the decisions of the Unites States Supreme Court. MR. WILLIAMS said that 'the head of the FBI' had made a speech to an American Legion group which had either instigated or encouraged an attack by the American Legion against the Supreme Court. MR. WILLIAMS said that about twenty five years ago, a Federal law was enacted forbidding what is known as 'wire tapping', and that the FBI has ignored this law. MR. WILLIAMS stated that on one occasion, at the same time that the Department of Justice was prosecuting a man in New York City for violating the wire tapping law, that 'the head of the FBI' was acknowledging that the FBI had been doing the very same thing, for which the man in New York was being prosecuted.

MR. WILLIAMS also said that the Supreme Court had ruled that the FBI must disclose the identity of confidential informants who have aided the FBI, but that the FBI has refused to comply, and as yet have not made known the name of any person to whom the Supreme Court ruling would apply. MR. WILLIAMS said the excuse given for refusing to comply with the Supreme Court ruling, was that such disclosures would jeopardize the security of the United States.

MR. WILLIAMS said that in addition to the American Legion, the U. S. Department of Justice, the American Bar Association and a number of United States Senators, including members of the Senate Judiciary Committee had all criticized recent Supreme Court decisions. The Supreme Court,

MR. WILLIAMS said, established some definite rules regarding the activities of investigating committees of Congress, defining limitations regarding questioning of witnesses, and that one Senator, whom MR. WILLIAMS did not identify by name, had declared that Congressmen and Senators had the right to ask any questions that were deemed necessary, without regard to what the Supreme Court thought about the matter.

During his talk, MR. WILLIAMS disgressed on one occasion to mention that JAMES HOFFA and JOHNNY DIO are members of the Holy Name Society of the Catholic Church. The audience responded with considerable laughter. A third man, COSTELLO, was also stated to be a Holy Name Society member. Most of MR. WILLIAMS' references were to 'the head of the FBI', 'the senior Senator from Maryland', or to a Senator who was a member of a committee, but Senator EASTLAND's name was mentioned several times in regard to a Senate Committee either proposing or taking action which was displeasing to MR. WILLIAMS.

Dr. KRAUSHAAR's talk was principally in regard to 'academic freedom' in that if anyone tells school teachers what they may not say, that responsibility must be accepted by the censors for what teachers do say. Dr. KRAUSHAAR stated that students at Goucher College were offered Government money to help pay education expenses, but that since this offer was qualified by a requirement that some affidavit be signed, that the government money was refused and private financing was arranged.

ROBERT KAUFMAN, [redacted] MD, and a young woman named [redacted] were present at this meeting. b6 b7C

Mention was made of a 'clearing house' for ideas, in which the ADA, the American Jewish Congress, a teachers union, and the Civil Liberties Union had already participated at one meeting, and it was stated that one or two such meetings a year should be arranged for the future.

It is noted that none of the persons mentioned above can be documented by Baltimore as members of a basic revolutionary organization.

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: 4/18/60

Attention: H. LYNN EDWARDS, Inspector

FROM: SAC, WFO (62-New)

SUBJECT: EDWARD BENNETT WILLIAMS
INFORMATION CONCERNING

Limited Classification
Review Conducted
See Top Serial
Form 4-774

Enclosed are four copies of a letterhead memo concerning EDWARD BENNETT WILLIAMS. This letterhead memo is being furnished in connection with a request for info concerning WILLIAMS.

The files of WFO do not reflect any public information concerning any direct reference as to any improper conduct on the part of WILLIAMS as a member of the Bar.

In view of the prominence of WILLIAMS, any inquiry to develop any information along these lines might be misinterpreted and cause embarrassment.

In view of these circumstances, WFO will not seek out any information in this regard; however, if any remarks are dropped which infer that WILLIAMS, in his conduct as an attorney, is being unethical, these remarks will be furnished to the Bureau for information.

Information as to WILLIAMS being associated with the $100 plus tip girl, remarks about CRAM, and the fact that he was not appearing as attorney at the Monitors court action was obtained periodically in 1959 and in 1960 from Confidential Information [redacted] file No. [redacted] by SA [redacted]

b2
b6
b7C
b7D

2 - Bureau (Enc. 4)
1 - WFO

CHS:njr/sak
(3)

62-98896-23

18 APR 27 1960

EX-107

ENCLOSURE

59 MAY 4 1960

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/15/01 BY SP5 JC/AE #941854

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON 25, D. C.
April 18, 1960

EDWARD BENNETT WILLIAMS

In 1953, it was reported that Edward Bennett Williams taught at Georgetown Law School, Washington, D. C. He was regarded as a very highly-typed lawyer of excellent character, highly intelligent, and loyal without qualifications.

Williams, at one time, was connected with the law firm of the late Frank Hogan, who was a very prominent Washington, D. C., attorney.

Williams married the granddaughter of Frank Hogan. Williams's wife died some time within the past year and he has not remarried.

Edward Bennett Williams was also associated in the practice of law with Nick Chase, who is the attorney representing Richard A. Mack, former Communications Commissioner, Washington, D. C., who was previously tried in the Federal District Court of Washington, D. C., and which trial ended in a disagreement the past summer.

Williams maintains his law office at 829 Seventeenth Street, N. W., Washington, D. C., which is the Hill Building, and it is reported that Williams is the owner of this building. His residence is 5715 Bent Branch Road, Tulip Hills.

It was further reported in 1953 that Williams was a very active individual in Bar Association affairs and had been toastmaster at the annual Bar dinner. At that time, it was reported he was seeking the position of United States Attoney in Washington, D. C.

It was further reported in 1953 that Williams had been teaching at Georgetown University for four or five years and was extremely well liked. It was stated he was considered to be brilliant.

62-98896-22

ENCLOSURE

RE: EDWARD BENNETT WILLIAMS

Edward Bennett Williams, during the recent past, has represented many notorious individuals whose names have appeared nationally in the press, and he has gained considerable publicity in representing these individuals in newspapers, magazines, and other media of publicity.

In addition, he has appeared on television programs, which programs were of a national hookup, such as "Person to Person" and the "Mike Wallace" show. At the time the Senate Committee was conducting hearings of Dave Beck and James Riddle Hoffa, portions of the testimony were televised, and on many occasions, Williams appeared on the television screen in connection with these hearings.

Some of the individuals represented by Williams include James Riddle Hoffa, present President of the Teamsters Union; Dave Beck, ousted past President of the Teamsters Union, who Hoffa succeeded; Frank Costello, racketeer from New York; Faye Emerson, television artist; Senator Joseph McCarthy of Wisconsin, now deceased; and Bernard Goldfine, wealthy manufacturer from New England. Williams also represents Congressman Adam Clayton Powell, Jr., of New York, and is presently engaged in the trial of Powell in New York in connection with allegations of income tax evasion on the part of the Congressman.

With regard to Frank Costello, Williams is his attorney at the present time in connection with denaturalization proceedings against Costello, and has filed a Writ of Certiorari with the United States Supreme Court to review the judgment of the United States Court of Appeals for the Second Circuit, which had approved a Decree of Denaturalization issued by the United States District Court for the Southern District of New York.

After appearing as Counsel for Dave Beck, Williams thereafter became the attorney for Hoffa in connection with charges of bribery against Hoffa, and represented him in the United States District Court of Washington, D. C., in the trial during the Summer of 1957.

RE: EDWARD BENNETT WILLIAMS

The trial of Hoffa ~~and~~ WHO WAS defended by Williams, resulted in the jury returning a verdict of not guilty. It was reported that after the Hoffa bribery trial, Williams was appointed General Counsel for the Teamsters Union at a salary of $50,000 per year. Williams is still General Counsel for the Teamsters Union.

During the Hoffa trial, when the Government was presenting its case, there was testimony in connection with an investigation conducted in Tallahassee, Florida, relating to a racial situation. Thereafter, in the "Washington Afro-American" newspaper, a complete page was devoted in the paper to testimony concerning the racial situation in Tallahassee, Florida. On this same page there appeared the picture of Williams, Hoffa, and a woman Negro attorney from California, together. The "Washington Afro-American" newspaper has wide distribution in Washington, D. C.

Also during the trial of Hoffa, Joe Louis, ex-heavyweight champion, appeared in the court room. According to reports, Joe Louis, when asked by the press as to why he was in the court room, stated "he happened to be in Washington, D. C., and wanted to see how his friend, JIMMY HOFFA, was doing."

It was further reported that the defense for Hoffa had arranged to have Joe Louis present in the court room during the trial of Hoffa.

The jury in the Hoffa bribery trial as ultimately constituted, consisted of members who in the majority were Negro. The selection of the jury took several days and many challenges were exhausted by the defense.

Williams is reported to have been associated with an individual who is described as a $100 plus tip girl and that he has seen this individual on several occasions. It was reported that in the Fall of 1959, Williams would see this individual and that he had sexual intercourse with her. It was stated that Williams did not pay for these favors.

RE: EDWARD BENNETT WILLIAMS

It was further reported that in 1959 a statement was made concerning Williams, in which he was accused of trying to "buy off" Attorney Bartley C. Crum, who represented Godfrey P. Schmidt, an Attorney engaged as a Monitor by the Government to clean up the Teamsters Uninn. It was stated that it was believed that such a statement was a figment of Crum's imagination and that Williams was too smart and shrewd to become involved in such a fraud. It was stated that if Williams did such a thing, he would have everything to lose and nothing to gain.

It was reported in the early part of 1960 that Williams did not plan to defend Hoffa in the trial which had been scheduled in Washington, D. C., in February of 1960, since Williams felt that as Counsel for the Teamsters Union, he should exclude himself from the case. It was indicated that this referred to the suit filed by the Monitors in regard to the Teamsters funds and the use of the funds by Hoffa as President of the Union.

Mr. DeLoach

3-8-60

M. A. Jones

ANALYSIS OF ARTICLES BY
EDWARD BENNETT WILLIAMS AND
SENATOR KENNETH B. KEATING
DEBATING CAPITAL PUNISHMENT
3-6-60 ISSUE OF "THE WASHINGTON POST"

Limited Classification
Review Conducted
See Top Serial
Form 4-774

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/5/02 SP5SC/AE
#941854

ORIGINAL COPY FILED IN 62-34173

SYNOPSIS:

On 2-23-60, "The Washington Post" advised that the 3-6-60 issue of the paper would carry a debate concerning capital punishment and requested the Director write an article supporting the affirmative of this issue. The Director declined. The 3-6-60 issue of "The Washington Post" contained half-page article entitled, "A Debate on the Question: Should Capital Punishment Be Abolished?" Edward Bennett Williams, prominent criminal lawyer, favored abolition of the death penalty, and Senator Keating of New York handled the negative side of the debate. The Director requested an analysis of these articles.

Terming capital punishment "inhuman because its deterrent effects are now recognized as a myth;" "unjust because it leaves no remedy for a mistake"; and, "unequal because it is exacted almost exclusively of the poor and the ignorant," Williams utilized a number of statistics in support of his contentions. These statistics were checked and found to be substantially correct. Noting that it is almost unheard of for a convicted killer to kill again after he has been released from prison, Williams observed that in any event, the risk of recidivism is outweighed by the risk of executing innocent men.

Senator Keating's article was based on opinion, rather than statistical data. Noting that the question of capital punishment often stirs either emotional or statistical argument, he contends the death penalty cannot be considered adequately in either an electrically charged or coldly calculated context. He is against automatically exacting the death penalty as punishment for any pre-defined crime, and has introduced a bill to abolish mandatory capital punishment in the District of Columbia.

He maintains that aggravating as well as mitigating circumstances should be considered by judge and jury in passing sentence, and suggested that the death penalty be unanimously recommended by the jury, and the recommendation accepted by the judge, before such sentence is passed.

Tolson
Belmont
DeLoach
Mohr
Casper
Rosen
Tamm
Trotter
Clayton
Tele. Room
Ingram
Gandy

RECOMMENDATION:

For the Director's information.

Enclosure

1 - Mr. DeLoach

DS:sic (10)

MAR 31 1960

MAIL ROOM ☐ TELETYPE UNIT ☐

62-98696
NOT RECORDED
141 MAR 29 1960

DETAILS:

BACKGROUND:

You will recall that on 2-23-60, Al Friendly, staff writer, "The Washington Post" advised Mr. Wick that the 3-6-60 issue of his paper would carry a debate, pro and con, concerning capital punishment. Friendly asked if the Director could champion the affirmative and write a 1,000 to 2,000 word statement. Friendly was asked who was handling the negative side of the debate and sidestepped the question completely. It was recommended that Friendly be told the Director cannot inject himself into a matter of a legislative nature. The Director noted: "Indicate I cannot do this without the reason suggested as I may publicly take a stand on this in near future."

Page E3 of the editorial section of the 3-6-60 Sunday issue of "The Washington Post" carried a half-page article (attached) entitled: "A Debate on the Question: Should Capital Punishment be Abolished?" Edward Bennett Williams wrote an article in favor of abolishing capital punishment, and Senator Kenneth B. Keating (R - NY) handled the negative side of the debate. The Director noted: "Please have someone analyze these articles."

INFORMATION IN BUFILES RE WILLIAMS:

Edward Bennett Williams, born 5-31-20, Hartford, Connecticut, received LL.B., Georgetown University Law School, in 1944 and is a criminal lawyer of national prominence. Within recent years, Williams has represented such people as Senator Joseph McCarthy, Frank Costello, Aldo I. Icardi and, of course, is the attorney for James Riddle Hoffa and the Teamsters Union.

INFORMATION IN BUFILES RE KEATING:

Kenneth B. Keating, Republican Senator from New York, born 5-18-00, Lima, New York, obtained LL.B. from Harvard Law School in 1923. He was elected to 80th through 85th Congresses and on 11-4-58, was elected to the Senate to occupy seat formerly held by Senator Ives. We have had very cordial relations with Keating since 1947, and he has supported numerous legislation beneficial to the Bureau such as the liberalized FBI retirement bill and the bill to protect the FBI's name from commercial exploitation. However, it is noted that during the New York Post series last October, Keating was quoted as saying that he invited the Director to dinner but the Director said he was too busy. Keating said the Director was a rather aloof person, a little stiff and formal, and not the sort of man who would inspire intimacy. In another article, Keating said the Director would have strong influence on legislation and that anyone would hesitate to enter into conflict with him. He stated if anyone stood up in Congress to attack the Director, he would get it from both sides.

Jones to DeLoach Memo

ARTICLE BY WILLIAMS:

The article by Williams supported abolition of capital punishment. The following is a summary and analysis of pertinent statements in Williams' article, as requested by the Director:

Williams termed capital punishment "inhuman because its deterrent effects are now recognized as a myth;" "unjust because it leaves no remedy for a mistake;" and, "unequal because it is exacted almost exclusively of the poor and the ignorant."

Statement: (a) The District of Columbia is the only jurisdiction in the United States which still has mandatory capital punishment for first-degree murder. (b) The criminal homicide rate in the District is as high or higher than all other American cities of comparable size.

Comment: (a) The District is the only jurisdiction in the country which still has the mandatory death penalty for first-degree murder. (b) Washington is the 10th largest city in the United States. In 1958, Washington's murder rate was 9.0. Three cities with populations larger than Washington had higher murder rates: Baltimore - 10.2; St. Louis - 10.6; and Houston - 13.7. Washington had a higher murder rate than the other 6 cities with larger populations. There are 46 cities with populations over 250,000. Nine have higher murder rates than Washington, and 36 are lower.

Statement: Nine states have abolished capital punishment, and latest FBI statistics indicate that most of these states had a lower homicide rate than neighboring states which retain the death penalty.

Comment: Nine states, Alaska, Delaware, Hawaii, Maine, Minnesota, Wisconsin, Michigan, North Dakota and Rhode Island, have abolished capital punishment. FBI statistics do reflect that these states had a lower murder rate in 1958 than neighboring states.

Statement: Murder is the offense most often punished by execution.

Comment: From 1930 to 1959, a total of 3,668 persons were executed under civil authority in the United States. Of this figure, 3,179 were executed for murder, 426 for rape and 61 for other offenses.

It is noted that Williams considers murder "almost always" a crime of passion and impulse.

Statement: On 3-12-53, Willie Lee Stewart killed an elderly grocer during a holdup in the District of Columbia. On 2-16-60, the Court of Appeals upheld his conviction for first-degree murder by a 5 to 4 vote. Twice before he had been convicted and his conviction had been reversed.

Comment: Stewart was charged in 1953 with first-degree murder but his death sentence, after 3 trials, was upheld in February, 1960, by the United States Court of Appeals.

Statement: The United States Attorney for the District of Columbia now advocates abolition of mandatory capital punishment because juries are reluctant to convict and a Court of Appeals reluctant to affirm in these cases. He points out that from July, 1953, to date, of 104 defendants who were indicted in the District for first-degree murder, only one was electrocuted.

Comment: On 2-29-60, United States Attorney Oliver Gasch, District of Columbia, testified before a Senate subcommittee and made the above statements attributed to him by Williams.

Statement: In 1958, only 48 prisoners were electrocuted under civil authority in the United States.

Comment: This is correct.

Noting that it is almost unheard of for a convicted killer to kill again after he has been released from prison, Williams observed that in any event, the risk of recidivism is outweighed by the risk of executing innocent men.

Statement: Noting that the death penalty is indenfensible today because it has become so discriminatory, Williams observed that in 1958, the majority of the defendants executed in this country were indigent Negroes.

Comment: Of the 48 persons executed in the United States in 1958, 20 were white, 27 were Negro and one was of another race.

Citing the discarded instruments of torture utilized in The Middle Ages, Williams concluded his article by urging civilized society, in its forward concept of crime and punishment, to discard the gallows, the gas chamber and the electric chair.

Jones to DeLoach Memo

ARTICLE BY KEATING:

Senator Keating's article, which favors retention of capital punishment, is based on opinion, rather than statistical data. He notes that discussions of capital punishment are rarely dispassionate. He observes that highly emotional reactions to the death penalty are based on the fact that cases which present the possibility of capital punishment are sensational and sordid, and draw a tremendous amount of attention. Deep feelings of sorrow and hate are stirred, as by a play, and this is not the setting in which Reason flourishes.

He observes that a different approach in discussing this topic is to reduce the argument to statistical tables, but discounts this, noting one might conclude from some tables that murder increases where the death penalty prevails, and decreases where it does not exist. Keating contends capital punishment cannot be considered adequately in either an electrically charged or a coldly calculated context.

Keating is against automatically exacting the death penalty as punishment for any pre-defined crime. He feels capital punishment must be retained for those cases in which the reflective moral judgment of the community would be shocked by any lesser penalty, and for those cases in which no other sanction is possible. In this connection, Keating has introduced a bill to abolish mandatory capital punishment in the District of Columbia. He is against arbitrary punishment where the death penalty is invoked.

He maintains that aggravating as well as mitigating circumstances should be considered by the judge and jury in passing sentence and cites the following examples: a convict under life sentence kills a prison guard trying to escape; a murder that is committed for hire; and a murder of especially heinous, atrocious, or cruel nature, manifesting exceptional depravity.

Concluding, Keating observes that our judge and jury system better reflects the community conscience in murder trials than do either lawyers for the prosecution and defense, both of whom are imbued with a passion for their cause. He recommends that discretion be employed in consideration of capital punishment, and that the death penalty be unanimously recommended by the jury, and the recommendation accepted by the judge, before such sentence is passed.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. DeLoach

DATE: December 15, 1959

FROM : M. A. Jones

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/91 BY SP-2 [illegible]

SUBJECT: WIRETAPPING
CONSTITUTIONAL RIGHTS SUBCOMMITTEE HEARING
DECEMBER 15, 1959

Tolson
Belmont
DeLoach
Gale
Mohr
Parsons
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Holloman
Gandy

SYNOPSIS:

For purposes of synopsis, references to Director and FBI and points considered high lights will be included hereafter. Only Senators Hennings (D - Mo.) and Wiley (R - Wis.) present. First witness, Harold K. Lipset, private investigator, San Francisco, California, made no reference to FBI. Copy of his statement attached. Second witness, Edward Bennett Williams, Washington, D. C. attorney, had no prepared statement. Williams stated there is grave constitutional question with regard to Fourth Amendment in connection with wiretapping, stated that despite law passed by Congress 25 years ago against wiretapping, FBI has tapped wires for 25 years. Stated he does not intend to impugn motives of FBI since he is certain it is done in good faith and FBI has laudable motives. Williams said he was disturbed by remark Director made on television program although he has great respect for ability and integrity of Director; stated Director said on television program FBI had 90 wiretaps in operation at the time. Williams stated on the same day a New York jury was returning a verdict in connection with a criminal case of wiretapping in New York State. Williams stated that a couple of years ago he lectured at Georgetown University on wiretapping voicing objections to practice and thereafter received letter from former FBI Assistant to the Director L. B. Nichols wherein Nichols set forth policy of Department and FBI regarding wiretaps being used in connection with internal security, sabotage, espionage, kidnaping, etc. Williams said attached to Nichols' letter was copy of opinion by former Justice Jackson dated 3/19/41. Williams disagreed with Justice Jackson's opinion that no violation of wiretapping statute occurs unless information divulged or used for benefit of interceptor or others. Williams added that Department had case of myopia in this regard since he is certain FBI does not fully intercept messages but that FBI intends to use such messages. Williams said that Department is in uneasy position of being unable to prosecute wiretappers since Department violates statute itself, adding that only 3 convictions obtained for many years and then 7 convictions obtained in recent years, the latter referred to by him as a "flurry" of convictions. Williams referred to New York State as frequent violator of wiretapping statute. Stated that wiretapping is not a matter for states to handle but is instead a matter for Federal authorities. Williams added that former Attorney General Brownell and

Enclosures

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Tamm
CFH:rwz

62-98896-
ENCLOSURE
NOT RECORDED
46 JAN 6 1960
10 JAN 5 1960

62 JAN 25 1960 119

(Continued on next page)

INT. SEC.

ORIGINAL COPY FILED IN 62-112111-3201

M. A. Jones to Mr. DeLoach memorandum

Attorney General Rogers have said wiretapping necessary to cope with spies, subversives and saboteurs and said Department's statements would be more cogent if Department could say it was not violating the law itself. Williams then quoted Director as saying in 1929 that wiretapping is archaic and inefficient practice and definite handicap to law enforcement. Williams stated Director said in 1940 that discredit and suspicion caused by wiretapping more than offset any value which law enforcement agency might obtain from such a practice. Williams stated he has constructive suggestions relative to wiretapping and said if Department does have to resort to wiretapping in cases of subversion, espionage and treason, then he believes following points should be considered: (1) wiretapping should be construed as being within the purview of the Fourth Amendment and that if Federal authorities need to resort to wiretapping they should obtain a warrant; (2) prepare a statute delineating when wiretapping can be used, for instance in connection with sabotage, treason, espionage, etc.; (3) warrants to be issued only with the authority of the Attorney General; (4) the Supreme Court to name a judge in each Federal district to authorize wiretapping warrants, a move which would prevent judge shopping; (5) require affidavits that a particular telephone is being used for a subversive purpose and a warrant be issued to utilize a wiretap on that particular telephone for a limited time of 90 days; (6) require the Attorney General every year to reveal the number of taps which have been used during the preceding year and the results, convictions, etc. Williams stated he does not believe kidnaping should be included under authorized wiretapping. He said wiretapping should be confined to Federal law enforcement officers and not to local law enforcement officers and then only with authority of Attorney General. Lipset demonstrated electronic listening equipment for Subcommittee. Attached also is Subcommittee's press release of 12/9/59 on hearing. Witnesses tomorrow (12/16/59) will be Paul Williams, former U. S. Attorney for Southern District of New York, and Harris Steinberg, defense counsel from the State of New York. Senator Hennings ordered Subcommittee counsel to determine what Government employees have miniphones, a small recording device available through General Services Administration.

RECOMMENDATION:

For information.

I am not surprised that the sepulchral Williams is so concerned in view of the activities of most of his clients.

M. A. Jones to Mr. DeLoach memorandum

DETAILS

As you instructed, on December 15, 1959, at 10:30 a.m., an Agent of the Crime Research Section monitored the Senate Judiciary's Constitutional Rights Subcommittee Hearing in the Caucus Room, Room 318, Old Senate Office Building. The Subcommittee was comprised of Senator Thomas C. Hennings, Jr. (D - Missouri) and Senator Alexander Wiley (R - Wisconsin). Senator Hennings pointed out that seven others in this Subcommittee were not present. The first witness was Harold K. Lipset of Lipset Service, Investigations, 2509 Pacific Avenue, San Francisco, California. He is a private investigator and during his testimony made no reference to the FBI. A copy of his statement before the Subcommittee is attached.

The second witness was Edward Bennett Williams, Washington, D. C., attorney, who had no prepared statement.

Williams stated that regarding wiretapping there is a grave constitutional question with regard to the Fourth Amendment. He stated that 25 years ago, almost to the month, Congress passed a statute making it a crime to tap wires and divulge the contents or to use the contents of intercepted messages for one's own use. He stated that until 1954 this crime was a felony and in 1954 Congress saw fit to make the crime a misdemeanor. He stated that despite the wiretapping law, wiretapping is rampant and law enforcement officers are breaking the law consistently. He stated that he was reminded of the Volstead Law which was supposed to be enforced by Federal officers and that as far as he knew no Federal officers actually sold whisky but insofar as the wiretapping law is concerned the Federal officers are violating the very law which they are supposed to be enforcing today. He stated that despite this statute passed by Congress against wiretapping, the FBI has tapped wires for 25 years. He stated he does not intend to impugn the motives of the FBI since he is certain it is done in good faith and that the FBI has laudable motives.

At this point, Senator Hennings stated that the Attorney General wrote him relative to the Department of Justice's stand on wiretapping and that he wanted to include this letter in the record.

Williams then stated that he was disturbed by a remark which was made on a television program by Director J. Edgar Hoover of the FBI. He stated, in substance, that he has no argument with the Director and added that he has great respect for the ability and integrity of Director Hoover.

He stated, however, what disturbed him was the fact that Mr. Hoover stated that the FBI had 90 wiretaps in operation at the time of his television appearance. Williams added that the paradoxical part of this situation was that on that very same day a New York jury had been ordered to return a verdict in connection with a criminal case of wiretapping being tried in the State of New York.

Williams stated that a couple of years ago he made a lecture at Georgetown University on the subject of wiretapping at which time he voiced his objections to the practice and stated that immediately thereafter he received a letter from former FBI Assistant to the Director Louis B. Nichols, whom he is very fortunate to call among his friends, and that Mr. Nichols took issue with his lecture before the Georgetown students. Williams thereupon read Mr. Nichols' letter wherein Mr. Nichols set forth the policy of the Department of Justice and the FBI relative to wiretaps and their use in matters such as those of internal security, sabotage, espionage, kidnapping, etc. Williams stated that attached to Mr. Nichols' letter was a copy of a document containing an opinion by former Justice Jackson. Williams stated that he certainly did not want to appear arrogant but that in his opinion, Justice Jackson's opinion was demonstrably in error. He stated this opinion was dated March 19, 1941. The portion of Justice Jackson's opinion with which Mr. Williams disagreed, was in substance, that no violation of the wiretapping statute occurred unless the substance of the communication was divulged or used for the benefit of the interceptor or others.

Williams stated that as far as he is concerned, the Department of Justice is a case of myopia with regard to this stand since he is certain that the FBI does not idly intercept such messages but that the FBI intends to use such interceptions for some purpose.

During Mr. Williams' comments relative to Justice Jackson's opinion, Senator Hennings pointed out to him and for the record that the opinion by Justice Jackson was rendered when he was Attorney General of the United States and not as a member of the U. S. Supreme Court. Williams readily agreed to this.

Williams went on to say that there have been rampant violations of the wiretapping statute for 25 years and that the Department of Justice is in the uneasy position of being unable to prosecute for this crime since the

Department of Justice is guilty of violating the statute itself. Williams stated that for many years there were only three convictions under the wiretapping statute and that in recent years there has been a "flurry" of convictions, seven in number. Senator Hennings stated that Mr. Williams was overly generous in referring to seven convictions as a flurry, and Williams replied facetiously that if he is to err he prefers to err on side of generosity.

Williams stated that it is not difficult to understand why a Senate Subcommittee finds it necessary to discuss amendments to wiretapping statutes when local and Federal law enforcement agencies are violating this Federal statute. He went on to say that he saw the Federal wiretapping statute violated in this very room (the Caucus Room in which this hearing was being held) during the labor racketeering hearings. Senator Hennings asked if objections were made to the playing of recordings during the hearings, and Williams stated they most assuredly were but that they were overruled by the chair. Senator Hennings questioned whether the overruling was made by Senator McClellan and Williams replied that Senator McClellan was in the chair. Williams then made reference to the U. S. Supreme Court decision [redacted] in the Benanti v. U. S. case and stated that, according to the law, to consummate the crime of wiretapping, wiretapping must occur and the intercepted message must be used for one's own benefit or must be divulged.

Williams stated that wiretapping is going on on a state level all the time, particularly in New York State. He stated that intrastate interception is a violation of the Federal statute and that governing authorities of New York State are as much out of line as the Governor of Arkansas is in preventing school integration which has been decreed as the law of the land. He stated that private citizens in New York do not have security from invasion of privacy when wiretaps are authorized "under the guise of warrants." Williams then made reference to the U. S. Supreme Court case Rathbun v. U. S. of December 9, 1957, in which the Supreme Court said that Congress did not mean to allow state authorities to circumvent Federal law.

Williams stated that he did not believe that the question of allowing wiretapping was a state matter; he stated instead it is a matter for Federal authorities and that the Fourth Amendment should protect against wiretapping.

Williams stated that former Attorney General Brownell and present Attorney General Rogers have both said that wiretapping is necessary to cope with spies, subversives and saboteurs. He said that the Department's

statements would be more cogent if the Department could say that it was not violating the law which it is supposed to uphold. Williams then said that he would like to quote Director J. Edgar Hoover and said that in 1929 Mr. Hoover said in substance, that wiretapping is an archaic and inefficient practice and a definite handicap to law enforcement. Williams then said that in 1940 the Director said in a release made through the Department of Justice that the discredit and suspicion caused by wiretapping more than offset any value which a law enforcement agency might obtain from such a practice.

Senator Hennings at this point obtained a letter from Attorney General Rogers, which he had mentioned previously, and which he said was in response to a letter of his to Mr. Rogers dated August 10, 1959. Senator Hennings then read this letter for the record setting forth Attorney General Rogers' views on the necessity of wiretapping in connection with the security of the country.

Senator Wiley then injected the question that doesn't the public interest and the safety of the country warrant the use of wiretaps and shouldn't wiretapping be used for such purposes as a court should authorize it. Senator Wiley added that shouldn't the safety of the State of New York be insured by wiretapping.

Williams replied that he did not come to the hearing as a destructionist and that he has a constructive suggestion. He stated that it was deplorable that Federal agencies are violating the law of the land and that if the Department of Justice does have to resort to wiretapping in cases of subversion, espionage and treason, then he believes the following amendments to the wiretapping statute should be considered: (1) wiretapping should be construed as being within the purview of the Fourth Amendment and that if Federal authorities need to resort to wiretapping they should obtain a warrant; (2) prepare a statute delineating when wiretapping can be used, for instance in connection with sabotage, treason, espionage, etc.; (3) warrants to be issued only with the authority of the Attorney General; (4) the Supreme Court to name a judge in each Federal district to authorize wiretapping warrants, a move which would prevent judge shopping; (5) require affidavits that a particular telephone is being used for a subversive purpose and a warrant be issued to utilize a wiretap on that particular telephone for a limited time of 90 days; (6) require the Attorney General every year to reveal the number of taps which have been used during the preceding year and the results, convictions, etc.

M. A. Jones to Mr. DeLoach memorandum

Williams stated that, as the Subcommittee knew, law enforcement officers cannot obtain a warrant to search through one's house for evidence and that warrants could be obtained only for fruits of crimes, weapons with which to effect escape, contraband. He stated that he believed that a warrant for a wiretap should be obtained only if it can be said that a particular telephone is being used for subversive purposes.

With respect to kidnaping, Williams stated that he is not sure any useful purpose would be served in including this crime in the area in which wiretaps may be used since usually the conversations between the kidnapers and the victims are carried on on the telephone belonging to the relatives and that the police may listen to the relatives' phone with their permission, according to the Supreme Court.

Williams stated that in his opinion wiretapping should not be authorized to any law enforcement officers except to Federal law enforcement officers and then only with the authority of the Attorney General. He stated that if wiretapping of an illegal character, such as that being done by Federal agencies and local law enforcement agencies, is eliminated, then wiretapping by private citizens can be eliminated. At this point Senator Hennings said that if the door were open to permit wiretapping in kidnaping cases, then it could be expanded to include all Federal crimes such as bank robbery, etc.

Williams stated that last year it was his misfortune to read 1800 pages of wiretapped messages in a case in New York and that investigators in listening to pertinent information, heard conversations by the family and its lawyer, clergyman, doctor, insurance man, etc. --conversations of the utmost privacy which should not be overheard by anyone.

Williams then said again that in connection with telephone wiretaps he feels it should be absolutely necessary that investigators specify that a particular telephone is being used to subvert the United States and that the warrant which they obtain under his plan would be required to specifically set this forth.

During his closing remarks, Williams stated that he has had the experience of wiretaps obtained by local authorities in the State of New York on a warrant given to Federal authorities in criminal cases he has handled. He stated that he believed it is immoral to record a conversation with another

individual without letting that person know that a recording is being made and that he will not make a recording without disclosing that fact to the person to whom he is talking. Mr. Williams was warmly thanked by Senator Hennings for his appearance before this Subcommittee.

After Mr. Lipset's testimony, this private investigator demonstrated certain pieces of electronic equipment for the Subcommittee, including the miniphone and other recordings. He indicated that some were activated by by voices and that one could be activated by a foreign body entering within ten feet of the activated wire. As he concluded his testimony, Lipset dramatically removed his coat to reveal to the Senators that he was at the time wearing a miniphone. He also demonstrated a radio transmitter which will operate for five days, 24 hours a day.

Witnesses before the Subcommittee tomorrow will be Paul Williams, former U. S. Attorney for the Southern District of New York and Harris Steinberg, a defense counsel from the State of New York. Also attached is a copy of the Subcommittee's press release concerning these hearings.

During hearings Senator Hennings told by Subcommittee counsel that miniphones, the small recording device, are available to Government employees through ~~Government~~ General Services Administration and Senator Hennings expressed concern and ordered counsel to determine how many Government employees have such devices.

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: May 11, 1961

FROM : M. A. Jones

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/91 BY SP-7 mac/dbb

SUBJECT: HEARINGS ON WIRE TAPPING LEGISLATION BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE JUDICIARY COMMITTEE MAY 11, 1961

Tolson
Parsons
Mohr
Belmont
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Tavel
Trotter
W.C. Sullivan
Tele. Room
Ingram
Gandy

Edward Bennett Williams, Washington attorney, testified from approximately 1:40 p.m. to about 2:25 p.m. on May 11, 1961. Williams had no prepared statement but spoke extemporaneously for about twenty-five minutes outlining his views on wire tapping.

He dealt first with existing law and stated that, in his opinion, existing statutes are adequate to prevent wire tapping; however, the FBI, as the agency with the authority to investigate violations of present statutes, does not perform its job as the FBI itself has, for the past 25 years, been in violation of Federal laws prohibiting wire tapping. Williams then went on to comment on bills being considered by the Committee and, in general, expressed opposition to each bill as he believes wire tapping is in direct violation to the provisions of the Fourth Amendment. He said that he believes that even if a bill, similar to those currently proposed, were to be adopted it would be declared unconstitutional.

Williams then stated that he is "not so naive a civil libertarian" to believe that aspects of the national security supercede individual liberties and said that he believed a whole new approach to the use of electronic devices is called for. He noted, at this point, that he believed Mr. Hoover might agree with him. He proposed that the Fourth Amendment to the Constitution be amended to permit closely supervised wire tapping in those cases involving the national defense.

During the questioning period following Williams' remarks he, at one point, stated "I do not consider myself a Maverick in opposing wire tapping" and continued to state that the individual who he considered the foremost law enforcement officer in the land had expressed opposition to wire tapping. He then, in rapid succession, quoted about five sentences

ENCLOSURE

1 - Mr. Parsons
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Evans
1 - Mr. Rosen

AFH:mcm (8)

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EX-105
17 MAY 31 1961

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CRIME RESEARCH

expressing opposition to wire tapping on the grounds the abuses of wire tapping eliminated the good which could be derived from it, in that wire tapping hindered the development of scientific investigative methods. After concluding the quotation, he said, "these are the words of Mr. Hoover, and I don't mean Herbert Hoover." Williams made no effort to indicate when the Director had made these statements nor did he elaborate any further. There were no questions directed to him concerning the Director's statements.

RECOMMENDATION:

For information.

ADDENDUM, MAJ:mcm, 5-11-61:

Attached are excerpts from the Director's comments before the National Academy March 30, 1940, to which Williams might possibly refer.

Excerpt from address delivered by
J. Edgar Hoover, Director, Federal
Bureau of Investigation, at the
Graduation Exercises, Thirteenth
Session, National Police Academy
Washington, D. C., on March 30, 1940

Let us further keep the record straight upon such matters as wire-tapping and other practices which could very easily degenerate into the rankest of unethical activities. The viewpoint and the practice of the Federal Bureau of Investigation have been sharply defined upon these points. During my entire tenure of office as Director of the FBI for nearly sixteen years, such activities have been frowned upon, and despite the fact that a wide latitude regarding wire-tapping existed under the law, this Bureau continuously and consistently refused to permit anything but the most rigidly supervised surveillances and then only in cases of extreme emergency involving the protection of human life or the apprehension of the vilest of criminals. In 1939, I refused to endorse proposed legislation in Congress to legalize wire-tapping evidence obtained by Federal officers. A year before that, in an article for the Georgia Police News, I decried the use of such methods except in cases of extreme emergency.

The records will show that years ago I listed indiscriminate or habitual wire-tapping as a thoroughly unethical practice--and I still so list it. No law enforcement officer is deserving of the name if he must resort to the violation of fundamental civil rights either to store up ammunition against political enemies, tighten his grip upon his job, or gain the evidence by which a criminal is brought to prosecution.

62-98896-24

ENCLOSURE

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson ___
Parsons ___
Mohr ___
Belmont ___
Callahan ___
Conrad ___
DeLoach ___
Evans ___
Malone ___
Rosen ___
Tavel ___
Trotter ___
W.C. Sullivan ___
Tele. Room ___
Ingram ___
Gandy ___

TO : Mr. Conrad

DATE: May 9, 1961

FROM : R. L. Millen

SUBJECT: SENATE JUDICIARY COMMITTEE (WIRE TAPPING)

The Laboratory's local telephone contact, [redacted] called on May 9, 1961, to advise that he had information indicating that local Attorney Edward Bennett Williams was to testify on Thursday, May 11, 1961, before the Constitutional Rights Subcommittee of the Senate Judiciary Committee on Wire Tapping. [redacted] stated that immediately following Mr. Williams' testimony a Vice President of the Bell Telephone Company, [redacted] was scheduled to testify.

b6
b7C

[redacted] expressed some apprehension that Williams may make some wild unsubstantiated statements relative to wire tapping which will be fresh in the minds of the Committee members at the time that they question the Bell Telephone representative. [redacted] indicated that Williams had made such statements in the past. As you know, the Bell Telephone Company at various locations throughout the United States has extended considerable cooperation to the Bureau in many ways, including the installation of special lines for us in effecting certain microphone and telephone coverage.

RECOMMENDATION:

That the above information be made available to the Crime Records Division and to the Domestic Intelligence Division.

1 - Mr. Belmont
1 - Mr. DeLoach
1 - Mr. Mohr

RLM:jjd (8)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 7-11-90 BY 3281 Tus/bjs 305,263

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149 MAY 24 1961

66 MAY 29 1961

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ORIGINAL FILE IN 62-121 - 3382

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Mohr

DATE: May 22, 1961

FROM : C. D. DeLoach

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/91 BY SP-1 Meek

SUBJECT: EDWARD BENNETT WILLIAMS
WIRE TAP LEGISLATION

For record purposes, on Friday evening 5-19-61 Wick and I attended the 196 White House News Photographers Association Annual Dinner at the Sheraton-Park Hotel.

Following the dinner, while Wick talked with several Time--Life editors and newsmen in Room B-620, Wick was approached by Edward Bennett Williams, the Washington attorney.

Williams had been drinking considerably. He said he was interested in meeting someone from the FBI because he had just recently testified on wire tap legislation on the Hill. He said he agreed the FBI should be permitted the legislation to wire tap in national defense and kidnaping cases. He pointed out that he believes the civil rights of individuals should in emergency situations such as national defense and kidnaping be relegated to a secondary position. But, he said, the FBI ought to have statutory authority to wire tap.

Williams did a considerable amount of talking. He said he wanted to bring one "Mr. Richardson" of Virginia, an expert on wire tap matters, to the Bureau so the FBI can have the benefit of his wire tap knowledge. He said sometime he hoped to have Richardson request an appointment to see some of our people.

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Williams also said he hoped to be able to talk to Mr. Hoover about wire tap problems and would like the opportunity any time after Friday 5-26-61, since he will be out of town until that date. Wick told Williams he did not see any need for such an interview since Mr. Hoover's position was well-known. Williams said he knew this and had in fact quoted Mr. Hoover in testimony on the Hill last week. Wick told him that the thing wrong with his so quoting Mr. Hoover was that he cleverly, carefully and it appeared by design selected remarks made by the Director some twenty or so years ago and the times and the situation, as Williams well knew; had changed considerably since then. Williams said, "Well, I've tried to see your boss on several occasions and he won't see me." Williams said he even tried to set up an appointment with the Director through Bob Collier, former Agent, now an attorney (without success). Wick told

CONTINUED...

1 - Mr. Parsons
1 - Mr. Evans
1 - Mr. Rosen
1 - M. A. Jones

JUN 15 1961

57 JUN 19 1961

REW:jcs
(6)

JUN 8 1961

Parsons
Belmont
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Tamm
Trotter
W.C. Sullivan
Tele. Room
Ingram
Gandy

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CRIME RESEARCH

I would avoid him as I would a skunk for no other reason.

Williams that Collier had resigned from the FBI in 1952 or 1953 and obviously was in no position whatever to speak for the Director or to set up an appointment. Williams admitted this and then countered by saying, "I can walk into Bobbie Kennedy's Office to see him any time I desire." Williams said Kennedy always gave him ample time and saw him. Williams then repeated that he wanted an opportunity to see Mr. Hoover to discuss wire tapping. Wick told him that Room B-620 was not the place to discuss this and Wick was not going to discuss it with him. Williams said Mr. Hoover also was apparently afraid to discuss it, and Wick told Williams he should know better. Wick told Williams he resented this remark intensely and Williams knew perfectly well Mr. Hoover is afraid of no man, particularly Williams, and Williams could take that as gospel truth. Williams said this did not change his opinion whereupon Wick told him he was entitled to his opinion and that was entirely his business as to what he wished to think. The above conversation between Williams and Wick was in private at one side of the room and lasted only two or three minutes until another individual came up to meet Williams and the conversation was terminated by Wick.

It was quite obvious to Wick that Williams was fishing. Williams seems to thoroughly dislike Mr. Hoover and the FBI. Williams is a very conceited, tricky, evasive and opinionated individual. He asked for Wick's complete name and Wick gave it to him. Wick told Williams if he had anything further to discuss he could, of course, come to us like any other citizen to discuss it.

For record puproses.

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: 5/11/61

FROM : M. A. Jones

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/91 BY SP-7 [illegible]

SUBJECT: HEARINGS ON WIRETAPPING BILLS BY THE SENATE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE COMMITTEE OF THE JUDICIARY THURSDAY, MAY 11, 1961

Tolson
Parsons
Mohr
Belmont
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Tavel
Trotter
W. C. Sullivan
Tele. Room
Ingram
Gandy

Reference is made to my memoranda earlier today setting forth the testimony of Assistant Attorney General Herbert J. Miller of the Department and Edward Bennett Williams before the captioned subcommittee.

Attached is the statement of Assistant Attorney General Miller made to the subcommittee. He very closely followed the statement throughout his testimony and there were no questions put to him completely outside the realm of his statement. He did inform the subcommittee in response to a question that as of 5/10/61 the FBI had 85 wiretaps. This answer solicited the request that he also advise the subcommittee of the number of wiretaps used by the FBI in 1960. No specific date was mentioned in reference to this request and Miller answered that he would furnish the information, and in fact thought it was contained in Mr. Hoover's testimony to the Appropriations Committee but he did not recall the exact number.

In addition to the previous data relating to Edward Bennett Williams set forth in my earlier memorandum, it was observed that he was accompanied by an entourage of individuals and that they were interested in putting on a "show" as well as testifying. The group with him included three young attractive girls who obviously hung on every word that Williams uttered and clustered around him following his testimony. He obviously enjoyed the limelight of publicity.

Enclosure

1 - Mr. Parsons
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Evans
1 - Mr. Belmont
1 - Mr. Malone
1 - Mr. Callahan

JK:jrb
(10)

ENCLOSURE

62-98896
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62-98896
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176 JUN 5 1961

5 JUN 1 1961

CRIME RESEARCH

55 JUN 8 1961

ORIGINAL FILED IN 62-112,114-

Jones to DeLoach Memo
RE: Hearings on Wiretapping Bills

*The following additional witnesses testified on 5/11/61:

Mark Lane, Assemblyman from New York,
representing the Americans for Democratic Action

Dan Ward, State's Attorney,
Cook County, Chicago, Illinois

Herman Schwartz, Attorney, New York City,
representing the American Civil Liberties Union

Frank S. Hogan,
District Attorney New York County, New York City.

Mark Lane was accompanied by one William Taylor who was not further identified other than being the legislative representative for the Americans for Democratic Action. (ADA) Taylor made no statement. Lane's remarks were very brief and were in opposition to wiretapping and eavesdropping in any form. He stated that he spoke both for ADA and himself personally.

Dan Ward prefaced his testimony with the fact that wiretapping is illegal in the state of Illinois. Despite that he said that it was his opinion that wiretapping, under proper control, would be beneficial to society.

Herman Schwartz on behalf of the American Civil Liberties Union, was completely opposed to wiretapping or eavesdropping in any form.

Frank Hogan, District Attorney of New York County, was very much in favor of wiretapping, stating that it was one of the greatest weapons available to law enforcement although he was highly in favor of proper safe guards of its use.

The witnesses scheduled to testify Friday, May 12, are Anthony P. Savarese, Jr., Chairman New York State Joint Legislative Committee on Privacy of Communications and Licensure of Private Investigators, New York, New York, and John B. Layton, Inspector, Police Department, District of Columbia.

RECOMMENDATION:

For information.

SECRET

CORRELATION SUMMARY

Main File No: 62-98896
(See also 46-17642;72-766)

Date: 10/30/61

Subject: Edward Bennett Williams

Date Searched: 6/12/61

Searched And Identical Referenced Found As:

Edward Bennett Williams
E. B. Williams
E. Bennett Williams
Bennett Williams
Ed Williams
Ed Bennett Williams
Eddy Williams
Edward Williams
Edward B Williams
Edward Bennett Williams

Also Searched And No Identical References Found As:

Edward William
Eddie Williams

This is a summary of information obtained from a review of all "see" references to the subject in Bureau files under the names and aliases listed above. All references under the above names containing data identical with the subject have been included except those listed at the end of this summary as not having been reviewed, or those determined to contain the same information as the main file.

This summary is designed to furnish a synopsis of the information set out in each reference. In many cases the original serial will contain the information in much more detail.

THIS SUMMARY HAS BEEN PREPARED FOR USE AT THE SEAT OF GOVERNMENT AND IS NOT SUITABLE FOR DISSEMINATION.

Analyst	Coordinator	Approved

JFK:brh

62-98896-26

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20 OCT 31 1961

SECRET

CONSOLIDATION

NOV 1 1961

Encl. behind File
Search Slips only

SECRET

LOCALITIES

SECRET

EDWARD BENNETT WILLIAMS

ABBREVIATIONS PAGE

Add. info.....*Additional information appearing in this reference which pertains to Edward Bennett Williams may be found in the main file or elsewhere in this summary.*

NYCPD.....*New York City Police Department*

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b7C

Bureau file 46-17642 captioned "Mrs. Flo Bratten, [redacted] "carries numerous individuals as subjects including Edward Bennett Williams, subject of this correlation summary, and will be used as a main file on this subject. In three serials of this file the name Edward Bennett Williams is indexed and these references are being listed hereinafter to permit the destruction of the cards:

REFERENCE NUMBER	SEARCH SLIP PAGE NUMBER
46-17642-162	(20)
188	(2)
206	(19)

SECRET

Bureau memo dated 10/19/53 set out information concerning Max Nathan Benoff's (100-337007) signing a statement that was based on an interview by WFO on 5/28/53. Benoff signed this statement on 10/12/53 at Los Angeles, Calif. Benoff, after signing this statement, stated that he had returned to Washington in June, 1953 for the purpose of signing the statement, but his attorney, Ed Williams, indicated to him the Bureau had no further interest in him and it was not necessary to sign it. On 10/6/53 Benoff stated he had contacted Williams who told him it was all right to go ahead and sign the original statement which had been forwarded to Los Angeles by WFO.

100-337007-20 p. 1
(17)

This reference was a Bureau memo which enclosed a Stenographic Transcript of Executive Session Hearing Before Senate Internal Security Subcommittee, 12/21/53. The testimony of Timothy Joseph Molloy (121-14171), who was suspended from the Immigration and Naturalization Service on security charges, contained information concerning copies of the charges against him. Molloy stated his attorney, Murdaugh, Stuart or Madden in the office of Edward Bennett Williams, had a copy of these charges. (Copy of transcript enclosed)

121-14171-53 p. 113
(14)

The files of the Passport Office, Department of State, Washington D.C., revealed that [redacted] (100-405941) passport had been picked up by a representative of the Department of State in Los Angeles, Calif. A notation in the file indicated that [redacted] through his attorney, Edward Bennett Williams, Washington, D.C., requested on 10/12/54, a hearing before Passport Officials concerning his passport. The file further disclosed that on 10/12/54, [redacted] was interviewed in the presence of Williams by Ashley J. Nicholas, Assistant Director, Passport Office.

100-405941-28 p. 1,3
(14)(20)

b6
b7C

A report from ONI dated 5/21/58 revealed that Alvin Sinderbrand (65-58664) listed Edward Bennett Williams as a sponsor on his application for the bar examination which he passed 12/30/49. On the sponsorship affidavit, Williams stated he knew Sinderbrand both socially and as one of his students at Georgetown University, Washington, D.C., and that he was of excellent moral character.

(continued on next page)

SECRET

SECRET

Upon being interviewed in the same case, on 5/9/55 Williams gave a very favorable report on Sinderbrand. Williams stated he volunteered to help Sinderbrand when his name became linked with Judith Coplon in 1949. Williams was convinced Sinderbrand's connection with Coplon was purely social and not political. He stated Sinderbrand was not, nor had he been, a member of the CP.

65-58664-8 p. 11,41
(10)

A Bureau memo dated 6/4/55 set out information to the effect that Ed Williams had been retained to act as attorney for Elizabeth Bentley [redacted] in anticipation of an attack by the Hennings Committee.

[redacted]
(17)

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b7D

A Bureau memo dated 11/8/55 requested that the address of John Jonkel (97-3225) be ascertained. The advisability of contacting Edward Bennett Williams, Jonkel's attorney, was to be considered to determine if he knew the whereabouts of Jonkel. According to an article in the "Baltimore Sun" dated June 1951, Williams appeared as Jonkel's attorney during his appearance before the Maryland Court to answer charges of violating the Maryland Corrupt Practices Act.

97-3225-6
(12)(19)

On 4/6/56, [redacted] Paris, France, made available copies of 3 letters which were exchanged between himself and Edward Bennett Williams. Williams, the attorney for Aldo Lorenzo Icardi (64-33267), had written to [redacted] and requested him to come to the U.S. to testify at the trial or give a deposition under oath. [redacted] was not entirely clear as to whether Williams was defense attorney or prosecution attorney and since he had already promised the prosecution to testify, he wanted Williams to clarify this point. (Copies of letters enclosed)

64-33267-154
(10)

b6
b7C

SECRET

SECRET

[redacted] Chevy Chase, Maryland, advised on 9/13/56, that she thought her phone had been tapped by her husband in connection with a divorce suit between she and her husband. [redacted] stated she had told her attorney, Edward Bennett Williams, about the wire tap and she believed he had contacted Allied Investigating Service about the matter.

b6
b7C

On 9/13/56, [redacted] (139-383) advised he thought Joseph Welch, a Boston lawyer who was the Attorney in the McCarthy hearings, had referred his wife to a criminal attorney, Edward B. Williams, in Washington, D.C.

169-383-11 p. 3,7
(14)

The "NY Daily News" of 9/26/56, revealed that Frank Costello (62-76543), during his denaturalization proceedings in the Southern District of N.Y., raised two objections to the proceedings through his lawyer, Edward Bennett Williams. The first objection was the "illicit use" of wire tap information. The second was that the government invaded Costello's constitutional right to refuse to testify against himself by trying to call him as a prosecution witness.

62-76543-97 p. 1,2
(7)

On 10/16/56, Lionel Jay Stander (100-2213), was interviewed and exhibited a letter addressed to him from Edward Bennett Williams, an associate of Edward T. Cheyfitz, Washington, D.C. This letter stated that Cheyfitz had conferred with the Bureau and was informed the Bureau could not make any recommendations concerning Stander's case.

Stander stated he had previously conferred with Williams who told him he would be cleared by the motion picture industry within a period of six months. For this reason, Stander thought it strange that he should receive this type of letter.

100-2213-38 p. 1,2
(12)

SECRET

SECRET

A Bureau memo dated 1/18/57, revealed that on that date, Bennett Williams, an attorney in Washington, D.C., telephonically requested information concerning the number of indictments and the number of convictions which resulted in 1956 in all Federal cases. He was advised the Bureau did not have figures for the entire Federal Government, and was furnished with figures for the FBI alone. After having been furnished these figures, Williams stated that this was a remarkable record and expressed his appreciation, but did not state the reason for his inquiry.

66-2362-3588
(21)

b2
b7D

[redacted] advised on 4/18/57, that Manuel De Moya Alonso (100-187265) made a phone call to Edward Bennett Williams, telephone number OL 6-8184, 5715 Bent Branch Road, Tulip Hill Hotel, Washington, D.C., while residing at the Mayflower Hotel, Washington, D.C., from 11/1/56 to March, 1957.

Add. info. according to Polks Washington City Directory, 1956.

100-187265-110 p. 6
(13) (19)

Teletype dated 7/9/57 set out information in reference to items found in Frank Costello's (62-76543) possession at time of his shooting, 5/2/57. Among these items were three business cards of attorneys Edward Bennett Williams and [redacted]

62-76543-110
(7)

b6
b7C

A Bureau memo dated 12/18/57, referred to information furnished by Joseph P. Kennedy*. Kennedy stated that his son Teddy, who attended the University of Virginia, told him that several people had talked to the students there and more or less slanted their talks against the FBI. One of these persons was Edward Bennett Williams.

94-1-153-61
(11)

*Former Ambassador to England.

SECRET

[redacted] (protect identity) advised, when contacted on 1/22/58 and 3/17/58, that Edward Bennett Williams was in contact with Frank Costello (92-2869). It was noted that Williams was Costello's attorney from Washington, D.C. and represented Costello in his trial for income tax evasion. b6 b7C b7D

On the same dates, the same informant and [redacted] (protect identity) who was contacted on 1/10/58, furnished a list of the habits of Costello. He frequented the Biltmore Hotel Baths and was often accompanied by Edward Bennett Williams.

On 3/14/58, Costello's case concerning his 1954 conviction for evasion of income taxes, was argued before the US Court of Appeals, Second Circuit, Southern District of NY. Edward Bennett Williams represented Costello. Williams advanced his reasons for having Costello's 1954 conviction set aside in favor of a new trial. (No source given)

An article in the "NY Herald Tribune" dated 4/8/58, stated that the Supreme Court ignored completely the contention by Costello's attorney, Williams, that Costello's denaturalization case was invalid because it was permeated by wire tapping.

92-2869-40 p. 18,20,29,32,56
(11)

b6
b7C

Sergeant [redacted] NYCPD, advised that on 6/20/57, he interviewed [redacted] NY, who was a personal friend of Frank Costello (92-2869). On 5/2/57, Costello was shot at and slightly injured in an attempted murder. [redacted] stated on the night of the shooting, he was at home and heard of it from Edward Bennett Williams, Costello's attorney, who phoned him from Washington, D.C.

Sergeant [redacted] made available records of individuals contacted by Costello. On 3/14/58, Costello met Williams at the U.S. Court House, Foley Square, NY, after which Williams was driven to the Pennsylvania Railroad Station.

James R. Miller, Manager, Madison Hotel, 15 East 58th St., NYC, advised on 4/10/58 that Williams stayed in this hotel when he was in NYC. Miller went on to state that he had never known any association or connection between Williams and Robert Harrison*, publisher of "Confidential" magazine. Miller also stated that Costello only visited the Madison Hotel to visit his attorney, Williams.

(continued on next page)

*Costello rented the apartment above Harrison's at the Madison Hotel, and allegedly, received the permission of Harrison to leave papers there.

SECRET

An article in the "NY World Telegram," dated 4/29/58, stated that in the trial of Frank Costello (92-2869) for contempt of court, Edward Bennett Williams stressed that a tell-tale slip listing $651,284 in casino wins had been illegally obtained by police in an unlawful search at the time Costello was shot. Williams argued that this "illegal seizure" barred authorities from using the slip to question Costello.

Add. info.

92-2869-37 p. 24, 28, 73, 77, 167, 171,
(11) ✓ 183, 184, 256

SECRET

SECRET

On 12/5/58, WF 1119-S* furnished photographic copies of information pertaining to the National Committee to Secure Justice for Morton Sobell (100-387835) which was in the possession of [redacted] Maryland. b6 b7C Information from above copies set out.

The information furnished by WF 1119-S* included a list of contacts for the Washington, D.C. area. Appearing on that list was the name Edward Bennett Williams, with the date 6/6/58 and the notation "Does not feel he should discuss with us, because he is a lawyer and does not go in for public things."

b2 b6 b7C b7D [redacted] advised that [redacted] was an officer of the National Committee to Secure Justice for Morton Sobell.

[redacted] advised that [redacted] attended the third part of the Section Convention of the Upper West Side Section of the NY County CP on 1/17/57.

100-387835-2038 p. 74
(13)

An airtel, from New Haven dated 9/25/58, advised that Edward Bennett Williams, a native of Hartford, Conn., spoke before a Catholic forum in Hartford on 9/25/58 during which time he criticized the FBI for 25 years of defiance of the federal laws against wire-tapping and stated he thought the FBI should go to Congress for legislation to permit wire-tapping in certain cases. Williams also attempted to justify his support of the criminal element he had defended. (Clipping from "Hartford Courant" dated 9/25/58 enclosed)

63-4296-32-123
(9)

An article in the "Washington Post and Times Herald" dated 10/25/58, revealed that on 10/24/58, District Court Judge Alexander Holtzoff ruled that it was permissable for police to drive a 12 inch long voice pickup shaped like a spike into the wall and listen to conversations. Edward Bennett Williams, who was representing Julius Silverman, [redacted] and Myer Schwartz, accused of operating a $40,000 a day baseball betting ring, and against whom the police had used this new device to obtain evidence, argued that to use this device was to violate the Fourth Amendment ban against intercepting phone calls. Williams also stated that the Supreme Court had overruled, by implication, the 1942 decision on which Judge Holtzoff based his opinion.

Under existing law, Holtzoff ruled, it did neither. b6 b7C

63-4296-53-202 p. 1,2
(9)
SI 100-42303-598 p. 13
(12) ([redacted] Morals Division, Metropolitan, P.D.)

SECRET

SECRET

NY 1286-S* advised that [redacted] invited Isidore Gibby Needleman (100-341652) and wife to an affair or banquet on March 28,1959, and stated that Edward Bennett Williams was to speak at that time. This affair was not further identified.

The informant advised that [redacted] was employed by the National Lawyers Guild until the middle of 1958.

An article in the NY "Daily News" dated 10/14/58, revealed that Edward Bennett Williams was attorney for Frank Costello, the gambler. The article referred to Williams as a "master of delaying tactic" and "mouthpiece."

100-341652-792 p. 1E,59,106
(13)

b6
b7C

Bureau memo dated 9/3/59, set out information concerning Bureau coverage of the 82nd Annual meeting of the American Bar Association (ABA), Miami Beach, Fla., on August 24-28, 1959. Edward Bennett Williams addressed a session of the Junior Bar Conference on 8/22/59 prior to ABA meeting. The only reference to the FBI, made by Williams in this speech, was concerning Cyrus Eaton. When he criticized the FBI on a television show, Eaton was immediately supoenaed by a Congressional committee. Williams proposed a bill of rights for witnesses before committees.

94-1-369-1194 p. 4
(11)

Bureau memo dated 1/29/60 sets out information furnished by [redacted] of the Chesapeake and Potomac Telephone Co. (C&P) Washington, D.C. [redacted] who had rendered considerable aid to the Bureau on technical surveillances, was concerned over possible involvement in the wire-tap-hearings of the Senate Constitutional Rights Subcommittee. [redacted] stated that Edward Bennett Williams had testified before the committee and had stated that "the FBI has a single contact at the telephone company from whom it can get anything it wants."

C&P officials felt that if [redacted] were called to testify, he could not perjure himself and would have to reveal his relations with the Bureau.

66-8160-2402
(10)

SECRET

SECRET

In a monthly letter from the SAC, NY, to the Director, dated 3/10/60, information was set out which was furnished by [redacted] The informant advised that [redacted] (87-43854) told informant the only friend he had in Washington, D.C., was Edward Bennett Williams. It was felt that [redacted] was probably joking when he mentioned his friendship with Williams.

b2
b6
b7C
b7D

87-43854-33
(11)
SI 87-46920-27 p. B
(11)

Bureau memo dated 3/22/60 set out information pertaining to a proposed study by the American Bar Association's (ABA) Section on Criminal Law to determine whether Federal legislation should be passed to curtail such multiple appeals to Federal Courts as in the Chessman case. This matter had been referred to Edward Bennett Williams, Chairman of the Criminal Law Section Committee on "Defense Procedure and Tactics."

Bureau files revealed that Williams was opposed to capital punishment. He was the prodigy of Rufus King, Chairman of the ABA Section on Criminal Law, and James V. Bennett* who continually advocated Williams' participation in ABA activities. (details set out). Director's notation.

94-1-369-1293 p. 1,2,3
(11)

*Vice chairman of the Criminal Law Section ABA.

b6
b7C

[redacted] Central Investigations Bureau, NYCPD, 400 Broome St., NYC, advised on 6/7/60, that [redacted] (94-45070) maintained a suite at the Madison Hotel, NYC, under the name of [redacted] allegedly stated that the guests in this suite were Senators and Congressmen. [redacted] advised the suite was allegedly "bugged" and there was an indication that women were supplied to the guests.

Bradt stated that Attorney Edward Bennett Williams had been a frequent visitor to the hotel.

94-45070-9
(12)

SECRET

SECRET

[redacted] on 12/8/58, advised that James Hoffa was extremely bitter against Edward Bennett Williams because Hoffa had accepted the Monitors* on the advice of Williams who told him it would be a simple matter to upset the Monitors and have them removed.

b2
b7D

100-13124-113p.1
(12)

*Teamsters Union Monitors (72-1245)

On 6/11/60, [redacted] (protect identity), [redacted] furnished information concerning the Teamsters Union Monitors (72-1245). The informant stated that when [redacted] was made chairman of the Monitors, Edward Bennett Williams, Counsel for the Teamsters Union, was pleased with the appointment.

b6
b7C
b7D

72-1245-12 encl. p. 1
(11)

A NY report dated 2/28/61 revealed that on 11/29/60, Igor Yakoylevich Melekh (105-37365) appeared before the U.S. District Court, Northern District of Illinois, Chicago, Ill., on the charge of espionage and failing to register as an agent for a foreign government. Melekh was represented by [redacted] of the law firm of Edward Bennett Williams, Washington, D.C.

b6
b7C

105-37365-235 p. 3
(14)

A confidential source advised on 1/23/61, that the firm of Re, Re and Savarese, Members, American Stock Exchange, NYC, was to be afforded a hearing in Washington, D.C., on charges of selling unregistered stock. The source advised the Res had retained Edward Bennett Williams, Washington, D.C., for a fee of $15,000.

64-42245-42 encl. p. 1
(10)

The "Chicago Sun Times" issue of 3/7/61, revealed that Edward Bennett Williams stayed at the Shoreland Hotel, Chicago, Ill. on the night of 3/5/61.

(continued on next page)

SECRET

(U) (U)

SECRET

(continued) Paragraph 1 on previous page

It was noted that Williams, the chief defense attorney for Igor Melekh, was in Chicago to present oral arguments at the hearing on 3/6/61. Melekh had been arrested for violating the Espionage Statute and Foreign Agents Registration Act. b6 b7C

On 3/24/61 a surveillance on [redacted] (105-73240) revealed him in the company of Williams, along with [redacted] Soviet Delegation to the U.N., and Igor Melekh, in the lobby of the Atlantic Hotel, Chicago, Ill.

This was the way it was classified 105 in para not class, but should have been.

[105-73240-163 p. 2,3] (6)
(14)
SI to para. 3
[105-74441-38 p. 2] (6)
(14)

b2 b6 b7C b7D

(U) [redacted] advised that on 3/31/61 [redacted] (105-74441) and I. Y. Melekh traveled to Washington, D.C., for the purpose of conferring with Melekh's attorney, Edward Bennett Williams. Melekh had been arrested 10/27/60 charged with violating the espionage statutes.

[105-74441-36 p. B] (5)
(14)

The following references in the file captioned "American Civil Liberties Union", file number 61-190, contain information concerning Edward Bennett Williams' activities as an officer in the Union. Williams was elected a member of the National Board of Directors in March, 1957:

Reference	Search Slip Page Number
61-190-693	(16)
713	(6)
61-190-A "NY Times" 3/11/57	(6)
61-190-A "NY Post" 3/11/57	(6)
61-190-A "Washington Post and Times Herald" 3/11/57	(6)

105-73240

[redacted]

105-7441- 1960 FA

[redacted] of Soviet Embassy. 1958-61 or higher

b6 b7C

SECRET

The following references in the file captioned "Senate Select Committee on Improper Activities in the Labor or Management Field", file number 62-103771, contain information concerning Edward Bennett Williams, Attorney for the Teamster's Union, and his activities in connection with the Hearings. The files show that Robert Kennedy, Counsel for the captioned Committee, had dinner with Williams and James Hoffa of the Teamster's Union. An allegation was made that Williams attempted to influence Bartley Crum, Attorney for Godfrey Schmidt, former Teamsters Union Monitor, which allegation Williams denied before the Committee. Williams was instrumental in replacing Dave Beck with James Hoffa as head of the Teamsters Union.

Reference	Search Slip Page Number
62-103771 - 30	(7)
602 p. 2	(7)
1460 p. 1,2	(7)
1461 p. 1	(8)
1463*	(8)
1466*	(8)
62-103771-A "Hall Syndicate, Inc." 1/28/58	(16)
62-103771-A "Washington Capital News Service" 7/13/59 p. 6,8,10-14	(8)
62-103771-A "NY Herald Tribune" 7/14/59	(8)
62-103771-A "Washington Evening Star" 7/14/59	(8)
62-103771-A "Washington Daily News" 7/21/59	(8)
62-103771-A "Washington Capital News Service" 7/24/59	(8)
62-103771-A "Washington Post and Times Herald" 7/24/59	(18)
62-103771-A "Washington Evening Star" 7/24/59	(8)
62-103771-A "Washington Post and Times Herald" 7/25/59	(8)
62-103771-A "Washington Capital News Service"7/25/59	(8)

*Director's notation.

SECRET

The following references in the file captioned "Wiretapping," file number 62-12114, contain information concerning Edward Bennett Williams' statements and views on wiretapping. Files also contain information in reference to Williams' appearance on the Mike Wallace Show, which was set out in detail in Williams' main file. Williams also appeared before the Senate Subcommittee on Constitutional Rights of the Committee on the Judiciary and gave his views on wiretapping.

Reference	Search Slip Page Number
62-12114 - 3106*	(6)
3107 p. 1,2*	(6)
3199	(7) (18)
3207	(7)
62-12114-A "Wash. Capitol News Service" 12/15/59	(7)

*Director's notation.

The following references in the file captioned "James Riddle Hoffa, Teamsters Union, Anti-Racketeering," file number 63-5327, contain information concerning Edward Bennett Williams' association with Hoffa as his attorney. Williams defended Hoffa in his bribery trial, but resigned as Hoffa's attorney in early 1960 because there might have been a conflict of interest if he represented Hoffa at his trial for misuse of union funds, since Williams was also attorney for the International Brotherhood of Teamsters. Contained in the files was information furnished from the files of the Internal Revenue Service in reference to Williams and should not be disseminated. The files also contained information furnished by a PCI of the WFO in reference to Williams' intimacy with her. An article by "Life" magazine contained considerable background information concerning Williams.

Reference	Search Slip Page Number
63-5327 - 39 p. 2,3	(9)
145 p. 1	(9)
497 p. 7	(9)
597 p. 12	(9)
694	(9)
705	(9)
707 p. 1,2	(9)
712 p. 1,2	(9)
63-5327-A "Life Magazine" 6/22/59	(9) (16)

(continued on next page)

SECRET

Reference	Search Slip Page Number
63-5327-A "The Evening Star" 1/24/60	(10)
63-5327-A "Washington Daily News" 2/2/60	(10)
63-5327-A "The Evening Star" 3/26/60	(10)
63-5327-A "Detroit News" 4/17/60	(10)

The following references in the file captioned "James Riddle Hoffa," file number 58-4044, contain information concerning Edward Bennett Williams' contacts with Hoffa in his capacity as attorney for Hoffa. Hoffa was arrested on 3/13/57 on the charge of bribery, was tried in U.S. District Court, Washington, D.C., before Federal Judge Burneta Matthews and was acquitted on 7/19/57.

The files revealed that Williams had working in his law office, Edward T. Cheyfitz, who according to Bureau files, was a member of the CP from 1938 to 1942. Cheyfitz was also hired as an attorney by Hoffa.

The files further revealed that Hoffa was concerned as to why Robert Kennedy, Chief Counsel, Senate Select Committee on Improper Activities in the Labor or Management Field, was going to Williams' house twice a week.

Reference	Search Slip Page Number
58-4044-3 p.7	(15)
43 p.2,3,4 Summary 2/21/57	(1,15)
123 p.2*	(3)
144	(3)
167 Summary 3/15/57	(1)
171 p.1,3*	(3)
185	(3)
201 p.22	(20)
217 p.1	(3)
320 p.1	(4)
366 p.4	(4)
375 p.1	(15)
422 p.1	(4)
494	(4)
559	(4)
657	(4)
658*	(4)
701 p.1,2*	(4)

*Director's notation.

(continued on next page)

SECRET

Reference	Search Slip Page Number
58-4044 - 784 p. 1,2 800 p. 1* 833	(4) (15) (18)
58-4044-A "Washington News" 3/14/57	(4)
58-4044-A "Washington Post and Times Herald" 3/15/57	(4)
58-4044-A "Washington Star" 3/14/57	(19)
58-4044-A "NY Mirror" 3/15/57	(18)
58-4044-A "Detroit News" 3/15/57	(4)
58-4044-A "Detroit News" 3/15/57	(5)
58-4044-A "Washington Star" 3/20/57	(5)
58-4044-A "Washington Star" 3/29/57	(5)
58-4044-A "Washington City News Service" 6/14/57	(5)
58-4044-A "Washington Post and Times Herald" 6/15/57	(5)
58-4044-A "NY Herald Tribune" 6/15/57	(5)
58-4044-A "Washington Post and Times Herald" 6/15/57	(5)
58-4044-A "NY Mirror" 6/15/57	(5)
58-4044-A "Washington Star" 6/16/57	(5)
58-4044-A "Detroit News" 6/23/57	(6)
58-4044-A "NY Daily News" 6/28/57	(6)
58-4044-A "Hall Syndicate, Inc." 7/2/57	(5)(15)
58-4044-A "NY Mirror" 7/16/57	(5)
58-4044-A "NY Post" 7/25/57	(5)(16)
58-4044-A "Washington Post and Times Herald" 7/17/60	(6)

SECRET

*Director's notation.

SECRET

SECRET

The following references in the file captioned [redacted] (100-375346), contain information concerning Edward Bennett Williams' representing [redacted] a Miami, Fla. arms dealer who claimed to have information regarding the disappearance of [redacted] Williams gave [redacted] advice on what to tell the FBI. It was agreed, by the Bureau, not to interview Williams, but if his client had information to give, the Bureau would accept it. Williams stated that the FBI was conducting an investigation into the [redacted] matter for a Federal Grand Jury in NY. Williams dropped [redacted] as a client because he failed to turn over some letters he had promised Williams concerning this case.

b6
b7C

Reference	Search Slip Page Number
100-375346-1366*	(13)
1367*	(18)
1372 p. 8	(13)
1385 p. 1,2*	(13)
1410 p. B,1,2,11,12,13,27	(13)(18)
1411 encl. p. 1	(18)

*Director's notation.

The following references are newspaper articles containing information in reference to Edward Bennett Williams:

Title of Article	Type of information	Reference	Search Slip Page Number
D. A. Hogan Tightens the Dragnet on Labor Hoods	Williams was Hoffa's and Costello's Attorney.	61-7562-A "NY Mirror" 4/14/57	(20)
Costello Charges Illegal 11 year wiretaps by D.A.	Williams claimed he could prove wire-tapping charge by calling witnesses.	62-76543-A "NY Mirror" 12/18/56	(7)
Hearing on Costello Off	Williams unsuccessfully opposed adjournment motion.	62-76543-A "NY Daily News" 6/15/57	(7)
Hoffa's Lawyer's Halo Tarnishes	Article condemning Williams for tactics used in Hoffa Trial.	62-82195-A "NY Mirror" 7/3/57	(7)

(continued on next page)

SECRET

Title of Article	Type of information	Reference	Search Slip Page Number
Hoffa Stakes All on New Show Down	Hoffa outlines strategy for Teamsters Convention to Williams.	62-82195-A "NY Mirror" 10/16/58	(16)
The Lyons Den	Williams in NY to Confer with Costello.	63-553-A "NY Post" 5/29/57	(16)
6th Amendment Lawyer	A Biography of Williams written after winning the Aldo Icardi case.	64-33267-A "NY Times" 4/20/56	(10)
More Sidelights on Hoffa Case	An article on how Hoffa influenced the Negroes on his jury.	72-1084-A "Wash. Post and Times Herald" 8/2/57	(10)
More Sidelights on Hoffa Case	An article on how Hoffa influenced the Negroes on his jury.	94-8-350-A "Wash. Post and Times Herald" 8/2/57	(11)
"Good, Good, Good, Good," says Powell	Congressman Powell expressed his appreciation to Williams who defended him for tax evasion.	100-51230-A "NY Herald Tribune" 4/14/61	(12)
Court Hears Powell Plea	Williams made a motion to dismiss an indictment against Powell for tax evasion.	100-51230-A "NY Daily News" 7/8/58	(12)
Red Prober's Right To Recall Witnesses at Stake in Trial	Williams argued that since his client, Sidney Buchman, appeared before the Committee before and told all he knew, he should not be recalled since he could add nothing more.	100-74274-A "Wash. Post" 3/10/53	(12)

(continued on next page)

SECRET

Title of Article	Type of information	Reference	Search Slip Page Number
Attack on Court Seen a Threat to Liberties	Williams was interviewed and gave his views on abuses by Federal investigative agencies of Supreme Court decisions. A mention was made of the FBI.	100-127094-A "Milwaukee Journal" 5/23/58	(12) (19)
Benton Says Ouster of McCarthy would Be A Blow at Red Cause	McCarthy was represented by Williams in a suit against Drew Pearson.	121-23278-A "Wash. Star" 6/5/52	(14)
High Court Rejects Teamster's Appeal in ADA Bribe Case	The U.S. Supreme Court declined to review the appeal of four Minneapolis Teamsters for a new trial in a labor bribery case. The four teamsters were defended by Williams.	122-1640-A "Minneapolis Morning Tribune" 4/9/57	(14)
Probers Hint Evidence In Greenlease Case	An article in reference to the Senate Labor Management Investigating Committee. Developments other than that listed in title of article was that Williams indicated the Teamsters Union would comply with an order by the Monitors to bring charges against union Vice-President Owen Brennan.	7-6920-A "Wash. Post & Times Herald" 8/17/58	(2)
9 Ministers Urge Support for Powell	Powell issued a statement as to the "misunderstanding" surrounding his hiring Williams. Williams did not solicit the Powell case.	61-3176-A "NY Post" 5/12/58	(6)

(continued on next page)

Title of Article	Type of information	Reference	Search Slip Page Number
Probe of Hoffa Testimony Sought in Federal Court	Williams was accused by Robert Kennedy of participating in a "fraud on the court." He had testified Hoffa had suspended 2 officials of the Teamsters Union and 10 months later they were still in office.	63-5327-A "NY Herald Tribune" 7/4/59	(9)

REFERENCES NOT INCLUDED IN THIS SUMMARY

~~SECRET~~

The following references on Edward Bennett Williams, located in files maintained in the Special File Room of the Files and Communications Division, Records Branch, were not reviewed:

Reference	Search Slip Page Number
58-3891-60	(2)
76	(2)
77	(2)
80X	(2)
86	(2)
89	(2)
98	(2)
216	(3)
238 p. 51,54,96	(3)
239	(3)
242 p. 94,144,154C	(3)
280	(3)
331	(3)
849 p. 54,55	(3)
58-3891-A "Wash. Post & Times Herald" 7/3/58	(3)
58-4839-20 Changed to 58-3891-80	(6)

See the search slip filed behind file for other references on this subject which contain the same information (SI) that is set out in the main file. Differences in source and additional non-pertinent information will be noted on the search slip.

~~SECRET~~

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Ingram
Gandy

TO : Mr. DeLoach

DATE: 7/10/61

FROM : M. A. Jones

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/91 BY SP-1 Mike

SUBJECT: "THE NATION'S FUTURE"
WIRETAP DEBATE
EDWARD BENNETT WILLIAMS, ATTORNEY
AND CHIEF OF POLICE WILLIAM PARKER, LOS ANGELES
NBC, CHANNEL 4, 9:30 TO 10:30 P. M.
(EDST) SATURDAY, JULY 8, 1961

The captioned program between Chief Parker and Edward Bennett Williams on the issue of "wiretapping" was monitored by SA John W. O'Beirne of the Crime Research Section.

Chief Parker supported the view of law enforcement claiming that the use of this technique permits the police agencies to more effectively enforce laws passed by our legislative bodies for the protection of society. Edward Bennett Williams opposed him on the basis that this technique violates the constitutional principle governing the issue of search warrants and that the use of wiretaps by law enforcement authorities constitutes a "hunt" for evidence.

Attorney Williams cited a statement* of the Director to the effect that the use of wiretapping brought discredit and suspicion to the law enforcement branch and more than offsets any good that can come of it. In rebuttal Chief Parker cited a Department of Justice report that in April, 1955, 200 telephones had been tapped, in April, 1958, 90 telephones had been tapped and in May, 1961, this report stated that 81 telephones had been tapped in the course of official Government investigations. Parker stated that this indicates that the Government uses this technique regardless of the Director's statement quoted by Williams. At one point Williams claimed that it was the responsibility of law enforcement officers and the FBI to enforce all laws. He said that unfortunately law enforcement agencies use wiretapping in their investigations and do not properly enforce the illegal use of wiretaps by individuals who are not in law enforcement, such as "private eyes" and unscrupulous elements of various types.

62-98896
NOT RECORDED
120 JUL 20 1961

Williams also stated that the Government has never obtained evidence through the use of wiretaps that was of value in a prosecution. Parker asked what about the Coplon Case. Williams replied that this case well illustrated the point he was making in that the evidence in this case was thrown out because FBI Agents invaded the lawyer-client relationship. Williams claimed that such evidence could conceivably be of value in cases involving the national defense and that if Mr. Hoover went to Congress and said that in cases of this type, such as sabotage, espionage or treason there would be no difficulty in obtaining a

1 - Mr. Belmont
1 - Mr. Conrad
JWO'B:jrh
(6)

1 - Mr. Rosen
1 - Mr. Evans

19 JUL 19 1961

JUL 26 1961

* Comments of Director at Graduation Exercises, 13th Session National Academy, March 30, 1940.

CRIME RESEARCH

ORIGINAL COPY FILED IN 62-98896

Jones to DeLoach Memo
Re: "THE NATION'S FUTURE"

Constitutional Ammendment authorizing their use in prosecutions.

Chief Parker at one point contended that 7 out of 10 criminals are not apprehended and that he believes the use of wiretap evidence would effect reduction in this rate. He quoted the figures of the Uniform Crime Reports in this regard saying that only 30% of the crimes reported to the police are cleared by arrests.

The New York Office is forwarding a tape recording of the entire broadcast.

RECOMMENDATION:

For information only.

Separate memos written on this.

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: 7-10-62

FROM : M. A. Jones

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/15/91 BY SP-7 Mac/DB

SUBJECT: "ONE MAN'S FREEDOM"
BY EDWARD BENNETT WILLIAMS

SYNOPSIS

This memorandum sets forth a detailed review of Edward Bennett Williams' new book, "One Man's Freedom," which contains a number of references to the FBI, the Director and Bureau investigations. Throughout the book, Williams, who has served as defense counsel for many notorious persons, professes to be a champion of civil rights and individual liberties. This book review sets forth his views concerning the following topics beginning on the page indicated:

Unfairness of labeling an attorney according to his clients, page 3;

Improper manner in which Congressional investigations are conducted, page 5;

Illegality of telephone taps and other electronic eavesdropping equipment, page 7;

Need to defend the 5th Amendment, page 13;

Virtues of the McNabb and Mallory decisions, page 15;

Need for pre-trial discovery of evidence and witnesses by the defense, page 17;

Necessity of confrontation and cross-examination, page 20;

Detrimental effect of publicity and other outside pressures in criminal cases, page 21;

Injustice of capital punishment, page 23;

Problem posed by emotionally ill offenders, page 24;

62-98896-98
REC-58
5 JUL 24 1962

UNRECORDED COPY FILED IN 62-116855

1 - Mr. DeLoach
1 - Mr. Evans
1 - Mr. Rosen
1 - Mr. Sullivan

GWG:par (8)

ST-115

H/C MR. TOLSON

CRIME RESEARCH

(Continued next page)

53 JUL 30 1962

PERS. REC. UNIT

Jones to DeLoach Memo
RE: "One Man's Freedom"

Impropriety of censorship of allegedly indecent literature, page 25;

Civil Rights and the Southern Negro, page 26; and

Need for a strong world court, page 28.

Williams feels "an erosion of individual liberty and freedom" has occurred in America and that "We have placed security in a position of primacy and subordinated individual liberty to it." He warns against "lawless law enforcement" and opines that whenever government infringes on individual rights, "it begins with the weak and the friendless, the scorned and the degraded, or the nonconformist and the unorthodox."

In connection with his defense of Aldo Icardi, who was charged with perjury following his appearance before House Committee on Un-American Activities (HCUA) in connection with the murder of Office of Strategic Services Major Holohan in Italy, Williams compliments former SA Robert Maheu for helping Williams establish that Icardi was not involved in Holohan's murder. (Bureau is circumspect toward former SA Maheu.)

Williams refers critically to the HCUA subpeona for Cyrus Eaton after Eaton had "made bold to criticize the FBI over a national television network." Williams asserts that FBI is violating the law by using wire taps, and he quotes statements by the Director in 1940 opposing wire tapping. He also quotes approvingly from the Director's Introduction to the September, 1952, Law Enforcement Bulletin on the topic of civil rights.

The Jencks decision is mentioned by Williams, who feels defense attorneys should have access to prior statements of Government witnesses several days before trials begin. He mentions the Urschel kidnaping case of 1933, attempting to cast doubt on the guilt of Kathryn Kelly. He also cites the James R. Hoffa bribery case, stating that the jury apparently did not believe John Cye Cheasty's testimony. He claims he was "horrified" when the "Afro-American" published his photo shaking hands with a female Negro attorney in a full-page ad during the Hoffa trial; and that Joe Louis visited the courtroom on his own volition.

In his defense of Igor Melekh, Soviet spy, Williams claims he talked to Attorney General designate Robert Kennedy in effort to have United States agree to let the International Court of Justice decide whether Melekh had diplomatic immunity. He also states he talked to FBI Agent after conferring with Melekh in New York.

Whom mtg 3-6-53

RECOMMENDATION:

For information.

- 1a -

"ONE MAN'S FREEDOM"
By Edward Bennett Williams

This 325-page book contains Williams' observations and reflections concerning a number of matters, including his personal experiences as a defense attorney, relating to law. Throughout the book, there are numerous references to the Bureau and the Director, as well as to cases investigated by the FBI. These have been specially flagged on the succeeding pages of this memorandum by underlining.

The succeeding pages contain a brief digest--and, in some instances, more detailed quotations--of pertinent material in Williams' book.

GENERAL REFLECTIONS (Page 3-10)

At the outset, Williams identifies some of his past clients, including Senator Joseph McCarthy, the notorious Frank Costello, and former Teamsters head David Beck. He states that he started law practice by handling civil matters, but "It was the law in its relationship to human rights as distinguished from property rights which had first captured my attention...."

Williams states he authored this book because he "wanted to write of the right to counsel, of fair procedure in congressional hearings, of the right to privacy, of the Fifth Amendment, of lawless law enforcement, of the right of everyone to a fair trial, of censorship, of civil rights, and of the whole concept of rule of law." He continues, "I wanted to write of the transcendent importance of safeguarding and preserving intact all of our civil liberties, and of my deep conviction that whenever government infringes on any of these rights it begins with the weak and the friendless, or the scorned and the degraded, or the nonconformist and the unorthodox. It never begins with the strong, the rich, the popular.... I wanted to document my conviction that most of the history of civil liberties in this country has been written in criminal courtrooms." And he professes "an increasing concern over the inroads that I believe are being made into these areas of individual freedom."

Williams asserts, "We have allowed an erosion of individual liberty and freedom to take place in the last three decades--not as the result of the overreaching of big government, nor as the result of the calculated

assaults made upon liberties and freedoms in the last decade, but rather because of the collective lethargy and a cavalier attitude of unconcern. I think we have made a substitution in our national ranking of values.... We have placed security in a position of primacy and subordinated individual liberty to it."

BRANDING A LAWYER ACCORDING TO HIS CLIENTS (P. 11-29)

Williams states that in 1960, when he accepted the Igor Melekh case (which case is dealt with in more detail in the final chapter of the book), he felt "the lash of stinging criticism"; that "every time I have assumed the defense of a case in which the crime charged is a heinous one or the defendant is a social or political outcast, the criticism has come."

He claims that John Crosby "slandered" him during a television interview (the station and the producer later apologized and repudiated Crosby's statement) shortly after he entered the Melekh case. Williams opines that Crosby "did not understand the right to counsel guaranteed by the Constitution and the role of the advocate in Anglo-Saxon jurisprudence."; that Crosby did not understand that for the trial lawyer the unpopular cause is often a post of honor." He then moralizes that he has "taken many difficult cases for unpopular clients, not because of my own wishes, but because of the unwritten law that I might not refuse."

Williams points out that Clarence Darrow encountered hostility when he defended 20 members of the Communist Labor Party in 1920. He states that Darrow's answer to his critics was:

> "I shall not argue to you whether the defendants' ideas are right or wrong. I am not bound to believe them right in order to take their case... But I do know this--I know that the humblest and the meanest man who lives, I know that the idlest and the silliest man who lives, should have his say... And I know that the Constitution is a delusion and a snare if the weakest and the humblest man in the land cannot be defended in his right to speak and his right to think as much as the greatest and the strongest in the land. I am not here to defend their (the communist defendants') opinions. I am here to defend their right to express their opinions."

Williams refers to the defense of Anthony Cramer (naturalized citizen who aided Werner Thiel, one of the eight Nazi saboteurs landed in America in June, 1942) by Harold R. Medina. Cramer was charged with treason,

and Judge Medina served as his court-appointed defense counsel. Williams states that Medina found himself being treated coolly by "people generally and my friends in particular"; that one spectator in the courtroom even spat in his face; however, that "Finally Judge Medina's courage and hard work won a reversal of Cramer's conviction by the Supreme Court."

The book also throws a bouquet at the late Wendell L. Willkie, who "defied public opinion during World War II by defending the citizenship of William Schneiderman before the Supreme Court. (Schneiderman was a self-admitted Communist Party leader.)...."Willkie's courage and hard work, like Judge Medina's, brought about a Supreme Court decision in favor of his client." At the time, Willkie still aspired for the 1944 Republican Presidential nomination.

With regard to convictions of innocent persons, Williams quotes Judge Curtis Bok of Pennsylvania as stating that convictions of the innocent far outnumber acquittals of the guilty. He states that Judge Bok's view is "dramatized in Judge Jerome Frank's fascinating and fully documented study of 36 cases in which wholly innocent defendants were convicted and imprisoned for other men's crimes."

Williams also states that he participated in three cases in 1956 (cases involving Aldo Icardi, Frank Costello and "Confidential" magazine--all dealt with in more detail later) which convinced him that "society is often the winner when the prosecutor loses. He makes reference to the right to counsel guaranteed defendants by the Sixth Amendment--"no matter how socially or politically obnoxious (the accused) may be, no matter how unorthodox his thinking or his conduct, how unpopular his cause or how strongly the finger of guilt may point at him." He also refers to Canon 5 of the Canons of Professional Ethics of the American Bar Association which states that "it is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt or the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied a proper defense."

To the above, Williams, adds, however, "It should go without saying that counsel's obligation to defend his client does not import any obligation to defend his client's crimes" and "no lawyer is ever justified in defending his client with weapons of fraud and falsehood."

He then philosophizes that lawyers must avoid moral judgments as to the guilt or innocence of their clients; that no one is legally guilty until so adjudged in court. And he admits, "Sometimes the truly guilty go free. This is the price that a democratic society must pay to safeguard the liberty of the innocent."

CONGRESSIONAL INVESTIGATIONS AND THE ICARDI CASE (P. 30-58)

Williams quotes J. Parnell Thomas, former chairman of the House Committee on Un-American Activities (HCUA) as telling an HCUA witness, "The rights you have are the rights given you by this committee. We will determine what rights you have and what rights you have not got before the committee." Williams then observes, "During the past decade this concept of congressional investigatory power has been accepted with alarming apathy and applied with alarming abandon."

Williams deals at length with the case of Aldo Icardi, who visited Williams in 1955 to seek his services in connection with eight counts of perjury arising from Icardi's appearance before HCUA in 1953. In brief, Icardi had been on an Office of Strategic Services mission with Major William V. Holohan in Italy in 1944. Major Holohan was killed on the mission, and Icardi was subsequently convicted in absentia by the Italian courts of murdering him.

According to Williams, in addition to the in absentia conviction in Italy, a release was issued by the U. S. Defense Department accusing Icardi of Holohan's murder; and newspapers published articles identifying Icardi as a cold-blooded killer. Thus, when Icardi was "invited" to appear before HCUA, "no one cared whether such an investigation bore any relationship to the proper function of Congress and its committees."

In defending Icardi against the perjury charges arising from his HCUA appearance, Williams had no funds to make an investigation (despite the fact that the prosecution had arranged to fly witnesses to Washington); however, Williams contacted Robert Maheu, "who had made a brilliant record as an FBI agent and had recently formed his own international investigative agency, staffed with former FBI agents." Maheu helped Williams conduct an investigation in Italy which established that Icardi was innocent of any involvement in Major Holohan's murder and that responsibility for killing the Major actually lay with Italian communists.

(Robert Maheu was a Special Agent from December, 1940, through July, 1947. He resigned voluntarily due to the ill health of his wife, and his last efficiency rating was "Excellent." Since 1953 we have been circumspect in dealings with him.)

Williams states that Icardi was acquitted of the perjury charges on the ground that HCUA was not acting in furtherance of any legitimate legislative purpose in the Icardi hearing--that this court decision was vitally significant "because it was the first reported case in three quarters of a century to hold that a congressional committee had exceeded its constitutional powers."

THE ARMY-MC CARTHY HEARINGS (P. 59-71)

Williams claims that Senator Joseph McCarthy "transgressed the rights of some witnesses in ways which I vigorously opposed"; that he had known McCarthy and had often argued with him about his tactics; that when the Army-McCarthy hearings arose in 1954, McCarthy wanted Williams to assist him in an advisory capacity, but Williams declined.

With regard to McCarthy's exposure of the former National Lawyers' Guild affiliation of Fred Fisher, 32-year-old assistant to Joseph Welch at the hearings, Williams states that McCarthy had told him (Williams) in the presence of Roy Cohn about the evidence he proposed to use against Fred Fisher; and Cohn and Williams made McCarthy promise he would never use it. Nonetheless, McCarthy went ahead.

Williams continues that Senator Ralph Flanders introduced a motion calling for Senator McCarthy's censure by the Senate; and in August, 1954, McCarthy announced that he was going to retain Williams as his defense counsel. Williams' fee was to be paid by McCarthy's committee, but he told the committee he would serve without compensation. Although 46 charges of misconduct originally were filed against McCarthy, the list ultimately was narrowed to two specific incidents, and the Senate voted to censure McCarthy on only one of these--contempt of the Gillette Committee arising from McCarthy's declining an "invitation" to appear before that Committee. Williams feels that even this lone censure charge would not have been sustained if he and McCarthy had known then, as they learned later, that an "overzealous" member of the Gillette Committee had put a mail cover on McCarthy during its investigation of him.

CONGRESSIONAL INQUIRIES AND THE 5TH AMENDMENT (P. 72-87)

Williams expressed the opinion, "The apex of congressional inquiry today is apparently the calling of a witness who will invoke the privilege against self-incrimination in response to all questions on a subject about which the committee already has full information." Williams complains

that Congressional inquiries frequently extend beyond the legitimate scope of legislative inquiries; and he states that when he (Williams) appeared before the McClellan Committee in 1958 as counsel for James R. Hoffa, he had occasion to object that certain questions directed toward Hoffa could have no real relationship to a legislative purpose.

Williams states that anyone who expresses an unpopular opinion is vulnerable to "the long arm" of Congressional committees. To illustrate, he cites the case of Cyrus Eaton, who in May, 1958, "made bold to criticize the FBI over a national television network. Representative Francis Walter.... immediately signed a subpoena calling Eaton before the HCUA to explain himself. .... Even in the most conservative quarters this type of 'thought policing' was too much, and the celebrated subpoena was never served."

In summation of his observations regarding Congressional inquiries, Williams feels that a uniform code of procedures for Congressional investigations is needed.

TELEPHONE TAPS AND OTHER TECHNICAL INSTALLATIONS (P. 88-120)

Williams speaks of the citizen's right to privacy--including privacy of the home, privacy of thoughts, and privacy of conversations--as well as the right to silence and the right to communicate. He then warns, "The rapid development of electronic listening devices in the past few years has greatly multiplied the number of clandestine invasions of these rights. He quotes Justice William O. Douglas as stating:

> " With modern electronic devices, conversations within the home and the office can be recorded without tapping any wires. The intimacies of private life can be made public without a key being turned or a window being raised. And those who listen may be private detectives and blackmailers, as well as law enforcement officials."

To illustrate the threat of eavesdropping, Williams cites the case of Bernard Goldfine, New England textile manufacturer and associate of Sherman Adams, and the case of Washington gambler Julius Silverman. The former case arose in 1958 when one of the rooms occupied by Goldfine's entourage at the Sheraton-Carlton Hotel in Washington was found to be "covered" by a microphone in the room next door. This microphone had been installed by Baron Shacklette, a Congressional investigator, and Jack Anderson, an associate of Drew Pearson. (Williams subsequently defended

Goldfine at his trial for contempt of Congress--arising from Goldfine's refusal to answer some of the questions asked him by a Congressional committee--and the trial ended with a plea of nolo contendere by Goldfine and a suspended sentence.)

Julius Silverman also obtained Williams' services as defense counsel following his arrest on gambling charges. It appeared to Williams that the District of Columbia Police Department and Internal Revenue agents had used one or more telephone taps against Silverman; and Williams filed motions to suppress all evidence which had been seized when Silverman's house was raided. However, a special microphone, not a telephone tap, was used to pick up conversations inside Silverman's house. Williams' lost his motion to suppress, and Silverman was convicted; but, the Supreme Court subsequently reversed the conviction in a decision which indicated the Court would not tolerate electronic eavesdropping wherein the microphone penetrates the premises of the person involved.

In haranguing against technical surveillances, Williams sides with Justice Brandeis' dissenting opinion in Olmstead v. U.S. (The Olmstead case, decided in 1928, resulted in a Supreme Court decision that the protection against unreasonable searches and seizures applies only to physical, tangible objects--and that conversations cannot be "searched" or "seized.") Brandeis stated that listening in on conversations constitutes invasion of privacy and urged that the Fourth Amendment be interpreted to keep pace with advances of modern science in order to protect citizens against invasions of their individual security.

After warning that telephones can be transformed into microphones to cover conversations within a room; that tiny microphones can be concealed in rooms; and that long-range microphones can pick up conversations hundreds of feet away, Williams cites the study entitled "The Eavesdroppers" completed in 1959 by Samuel Dash under the sponsorship of the Pennsylvania Bar Association Endowment and with a grant from the Fund For the Republic. He states that Dash's study "revealed widespread use of concealed microphones by police and private detectives" for "an endless variety" of purposes.

Williams is convinced that the Supreme Court will overturn the Olmstead decision and will rule that physical entry by the eavesdropper or physical penetration of the eavesdropper's equipment onto the premises of the persons involved is not necessary before the "victim" can invoke his Fourth Amendment rights. He states, "Such a ruling would restore the right to privacy to the high place which the Constitution gave it.... The concept of a man's house as his castle is completely inconsistent with surreptitious police surveillance of every conversation in that house. If the police may not

enter physically, they may not enter scientifically. An entry by electronic eavesdropping equipment is the most effective, clandestine and sinister kind of entry."

Williams does feel, however, that some extremely limited use of technical surveillances may be necessary--and, if so, a constitutional amendment will be required to permit the issuance of search warrants for evidence of crime. Before passage of such an amendment, however, he states "a strong demonstration must be made by federal law-enforcement agencies that our collective security is so imperiled by treason, espionage and sabotage that drastic measures are needed. A demonstration must further be made that eavesdropping is a useful and necessary weapon for combating these crimes. I have grave doubts whether such a showing could ever be made....We defeat our own ends if we adopt the techniques of totalitarianism in security cases."

In referring to the Federal Communications Act of 1934, Williams states that unlike eavesdropping, wiretapping is a federal crime; but, "despite this fact, wiretapping is rampant in the nation today. It is perpetrated by private investigators in all kinds of cases...It is perpetrated by public law-enforcement officers both surreptitiously and under a self-serving declaration that what they are doing is necessary for adequate law enforcement. Necessity has been the argument used for every infringement of human rights since the birth of this country."

Williams cites data in Dash's "The Eavesdroppers" indicating that New York City police, who say they tap 300 or 400 telephone lines a year, actually make an estimated 16,000 to 29,000 wiretaps a year.

As defense counsel for the notorious Frank Costello in the denaturalization case against Costello in 1956, Williams claims he was fully exposed to the problems and evils of wire tapping. At the time, Costello was serving a prison term for income tax evasion. When Williams examined the record of the tax trial, he concluded that some of the evidence had been obtained through wire taps; and in delving further, he "discovered that there had been a tap on Costello's home telephone at intermittent intervals over many years. During the period of the taps, six policemen sat in 8-hour ~~shifts~~ working in teams of two. They listened to and transcribed every conversation over Costello's telephone, whether he was a participant or not.... the persons victimized by these wire taps were not just persons who used Costello's telephone. Taps were placed on public telephones in restaurants frequented by him. Everyone who used those pay-station telephones had a hidden third party listening to every word...."

SHIFTS

Williams states that wire tapping by Federal officers was stopped by Attorney General Robert Jackson in 1941 but was resumed in 1942 at the direction of President Roosevelt; (actually, Roosevelt sent his wire-tap memo to Jackson in May, 1940); that on May 11, 1961, the Justice Department announced that the FBI had 87* wire taps in the country as of that date--all "purportedly" in security cases. Williams continues, "Admittedly, the FBI also uses wiretaps in kidnaping cases. The Justice Department defends these wiretaps as being both necessary and legal. To understand how this argument of legality is made and why it is unsound, it is necessary to trace the law as it has developed."

Williams again cites the 5-to-4 Supreme Court ruling in the Olmstead case that wire tapping does not violate the Fourth Amendment; then he states that Congress recognized the right to telephone privacy when it enacted the Communications Act in 1934 providing that "no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, . . . or meaning of such intercepted communication to any person." He continues that the Supreme Court ruled in the Nardone case in 1937 that evidence obtained through wire tapping by Federal officers cannot be used against the "victim" in Federal court and, thereby, the Court showed it was "unwilling to allow law enforcement officers to break the law to ferret out crime."

Despite this "clear holding that wiretapping by federal officers is illegal," Williams declares, "The Department of Justice seeks to defend this defiance of the law on the theory that Section 605 does not prohibit interception of telephone and telegraph messages, but only interception and divulgence."

He refers to a statement by the Director* in May, 1958, on television "that his bureau had ninety wiretaps installed as of that day." Then he moralizes, "On the same day a prosecutor from the same Department of Justice was asking a New York jury to convict James Hoffa of the Teamsters Union for allegedly installing one wire tap. This seemed to me to be a classic illustration of the dangers and evils of lawless law enforcement. One division of the Justice Department was prosecuting a man for breaking a law which another division... was itself breaking at that very moment."

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* (He undoubtedly is referring to an article in "The Evening Star" of May 11, 1961, stating that Assistant Attorney General Herbert Miller had told a subcommittee of the Senate Judiciary Committee that the FBI was currently tapping 85--not 87--telephones, all in security cases.)

* (On a program filmed for showing to the then Congressman Kenneth Keating's constituents in May, 1958, the Director said, "At present, we have less than 90 wire taps. All of them are in cases involving the Nation's security." This obviously is the television program which Williams has in mind.)

Williams quotes a portion of a letter he received from an Assistant Director of the FBI which took Williams to task for criticizing the Bureau for wire tapping in a speech Williams made at Georgetown University. Enclosed in the Assistant Director's letter was an opinion expressed by the then Attorney General Jackson in 1941 that "There is no Federal statute which prohibits or punishes wire tapping alone. The only offense under the present law is to 'intercept any communication and divulge or publish' the same." Williams then states he is convinced that Robert Jackson would have concluded his 1941 opinion was wrong if the wire tapping question had faced him after he became a member of the Supreme Court--"I say this because even a quick look at the wiretapping statute shows that Attorney General Jackson was wrong. The statute outlaws not only tapping and divulging but also tapping and making use of the information obtained through the wiretap. The last part of Section 605 says it is a crime for the wiretapper to 'use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto.'"

He continues, "I think that if wiretapping is regarded by the responsible heads of the FBI as necessary to successful law enforcement, they should press Congress vigorously for a change in the law. But their argument for a change would be far more cogent if they went before Congress with a record of obedience to the existing law rather than with a long history of cavalier defiance of it.

"The record compels the conclusion that the Department of Justice is not confident of its own position. Despite widespread private wiretapping, which everyone agrees is illegal, there was for many years only one reported prosecution for wiretapping.... With few exceptions, the Department of Justice has been forced to take the position that it cannot tap wires with one hand and prosecute wiretappers with the other."

Williams says that "responsible sources" have questioned the utility of wiretaps in any criminal cases and that "there is certainly grave doubt about the value of taps in national-security cases. For example, in the celebrated case of Judith Coplon... the government convinced the court that none of its evidence came from wiretapping, although Miss Coplon's telephone was almost continuously tapped. Her conviction was reversed only because these wiretaps interfered with her right to hold private conferences with her attorney. There has never been a prosecution of an alleged spy, traitor or saboteur in which the government gained its evidence from wiretapping."

* (This was a letter written by Assistant to the Director L. B. Nichols in 1957. Bufile 62-98896-8)

(Actually, Coplon was convicted in both Washington and New York. The New York conviction was reversed on the following grounds: (1) her arrest by FBI Agents without a warrant was illegal; (2) the defense should have been given full access to all wire tapping records; and (3) the defense should have been given an opportunity to learn whether the original informant which set the FBI investigation in motion was a wire-tapping source. The Washington conviction was remanded to the District Court for a hearing to determine if the Government had intercepted telephone conversations between Coplon and her attorney before and during trial.)

Williams continues, "Interestingly enough, the view that wiretaps do not substantially aid in law enforcement was once held by J. Edgar Hoover. Mr. Hoover's public attacks on wiretapping were numerous in the six years following the passage of the Communications Act in 1934. During that time he called wiretapping an 'archaic and inefficient practice' which 'has proved a definite handicap or barrier in the development of ethical, scientific, and sound investigative technique...' He let it be represented that he was 'the first federal offical to oppose wiretapping...and he has never in court used evidence so gathered.'

"In a news interview he (the Director) declared that he had 'consistently opposed the practice (of wire tapping).' He said in a formal press relase: 'Statements have appeared to the effect that wire tapping has been used by representatives of the Federal Bureau of Investigation inviolation of existing laws. At no time has there been a single instance of any action of this kind on the part (of any FBI Agent)...since I have been the Director....'

"He (the Director) advised the Department of Justice itself: 'While I concede that the telephone tap is from time to time of limited value in the criminal investigative field, I frankly and sincerely believe that if a statute of this kind were enacted the abuses arising therefrom would far outweigh the value which might accrue to law enforcement as a whole.' In a Department of Justice press release it was represented that Mr. Hoover believed that 'the discredit and suspicion of the law enforcing branch which arises from the occasional use of wiretapping more than offsets the good which is likely to come of (to) it.'"

(The above statements attributed to the Director are taken primarily from Department of Justice press releases dated March 13 and 18, 1940, and a letter from the Director to William E. Read of the "Harvard Law Review" on February 9, 1940.)

Williams wants to bring wire taps under the Fourth Amendment; and if the FBI can show that it desperately needs the right to tap wires in security cases, he feels a revision of this Amendment should be submitted to the states to "allow the courts to abandon our traditional policy against searches for evidence...but only in cases where the national security is at stake." He states, "This would authorize the invasion of privacy only in the protection of the most vital interests of society. It would also bring wiretapping under judicial supervision. The judiciary is the traditional bulwark between citizen and prosecutor....It is unfair to ask the Department of Justice to pass upon the propriety of its own requests for wiretapping authorization....Once we have ended the sorry spectacle of federal officers tapping in defiance of federal law, we can enforce wiretapping laws just as stringently as we enforce other criminal statutes."

CONSEQUENCES OF REFUSING TO TESTIFY (P. 122-144)

Williams refers to the 5th Amendment as "the most maligned part of the Constitution." He declares, "Too many persons have forgotten that the 5th Amendment is a citadel of liberty, guaranteeing far more than immunity from compulsory self-incrimination." He does concede, however, "Without doubt it hinders the conviction of the guilty far more frequently than it protects the rights of the innocent."

Among situations in which the protection of the 5th Amendment might be vital to an innocent man, Williams cites the hypothetical case of a man who had attended Communist Party meetings, stating that this man "might be well advised to plead the privilege even if he had no understanding at the time of the Party's illegal objectives and hence was not guilty of any crime."

Among the factors Williams feels underlie the "current hostility to the privilege against self-incrimination" is its repeated invocation when apparently harmless questions are asked. Williams cites the appearance of his client, David Beck, Sr., before Senator McClellan's Committee when Beck declined under the 5th Amendment to answer whether he (Beck) knew his own son, David Beck, Jr. According to Williams, Beck's claim of privilege was "clearly correct" because Beck, Sr., was under Federal indictment for income tax evasion, and "everything to which he testified would be screened by the prosecutor for use against him at his trial." Williams feels that to ask Beck whether he knew his son was either a "fatuous and captious question asked for no legislative purpose and designed only as a means to taunt the witness, or it was asked as the opening question in a line of inquiry regarding financial transactions between father and son."

He also refers to the case of Jane Rogers, who admitted she had served as treasurer of the Communist Party in Colorado but claimed privilege against self-incrimination when asked to name her successor in office. The Supreme Court ruled that Rogers had waived her privilege by testifying freely about her own occupancy of the office. Williams states this ruling "seems fair enough, because obviously the witness was not fearful that her testimony would tend to incriminate her. Her real motive for belatedly claiming the privilege was to protect someone else, and concededly the protection of the privilege is personal."

Another case cited is that of Sidney Buchman. Williams had been counsel for Hollywood writer Martin Berkeley in 1951 when Berkeley appeared before HCUA and admitted former Communist Party membership--naming almost 100 other Hollywood personalities as Party members, including Sidney Buchman. Buchman, also a writer, was called before the HCUA and admitted being a disillusioned former Communist Party member; however, he declined to name others with whom he was associated in the Party. Williams states that following his HCUA appearance, Buchman left Hollywood--"...his career was ruined. Because he had refused to 'cooperate' with the committee by 'naming names,' he was no longer employable. But, worse than that, he faced certain conviction for contempt. No conviction would have been possible had he declined, on the basis of the privilege, to give the committee any information at all. But... Buchman could not in conscience inform on others."

In tracing the history of immunity statutes, Williams writes that in 1857, Congress enacted a broad immunity statute covering witnesses before Congressional Committees and in Federal courts; however, the statute was soon repealed because so many prospective defendants were rushing forward to confess their misdeeds and thereby avoid prosecution. Congress instead provided that no testimony given by a witness before a Congressional Committee or a Federal court could later be introduced into evidence against him; however, the Supreme Court held that this statute did not preclude reliance upon the privilege against self-incrimination.

Williams continues that Congress has enacted many statutes granting complete immunity; that in 1954 Congress adopted an immunity statute covering witnesses before Congressional Committees and Federal courts in regard to security matters; and in 1956, a similar statute was passed covering narcotics cases.

In addition, states have also enacted immunity statutes--but, Williams declares, these statutes are powerless to confer immunity from Federal prosecution, thereby causing a dilemma for the state witness.

MC NABB, MALLORY AND OTHER "SAFEGUARDS" (P. 145-162)

Williams disagrees with those who call procedural safeguards "technicalities." Rather, he states, "they are the rules which our experience has shown are necessary in the interplay between the rights of society and the rights of the individual. This is why we have placed a judicial officer between the policeman and the citizen to determine the validity of an arrest. It is why an accused has the right to know specifically the nature of the charge against him and to confront his accuser face to face. It is why he has the right to have questions affecting his liberty determined in a dispassionate forum free from entrinsic influences."

According to Williams, "whenever and wherever there have been invasions of civil liberties and infringements of human rights by those who hold authority, the first victims have been the poor and the downtrodden, the weak and the helpless, or the unpopular and the scorned."

In noting that the Supreme Court's 1957 reversal of the Andrew Mallory rape conviction touched off heated legal controversies, Williams states, "Most people did not consider whether the Mallory rule was a good or bad legal principle. They had been told repeatedly that Mallory was a bad man and they were violently opposed to any rule which blocked his conviction."

Williams comments that the Mallory rule is merely the application of an old principle to a new set of facts. He states that in the McNabb decision, handed down fourteen years earlier, the Supreme Court reversed three convictions for murder because they were based upon confessions secured as a result of the same principle--unlawful delay in taking the arrested person before a commissioner.

In endorsing these rulings, Williams states that the hardened criminal does not need a commissioner or anyone else to advise him of his rights, but the youthful and the person of limited intelligence do not understand about the privilege against self-incrimination, the right to counsel, etc. "It is a sham," he states, "to advise such people of their constitutional rights after the police have questioned them for hours or even days to extract admissions which virtually ensure convictions."

Williams remarks that cases of physical coercion against arrested persons are rare today, "but psychological coercion is equally effective and far more difficult to prove." He quotes Judge Jerome Frank as stating, "Policemen have discovered that they need neither intricate devices nor violence. The easiest way to persuade a man to confess to whatever you want is to deprive him of sleep beyond the point of normal exhaustion, questioning him endlessly."

Williams also observes that most of the hostility to the McNabb-Mallory rule undoubtedly stems from the fact that it has been invoked principally in cases of heinous murders and rapes where guilt seemed clear--"Before trial, however, we cannot have one rule for innocent prisoners and another for guilty prisoners, because we do not know which are which until the verdict is returned. Under our law making this judgment is the function of the jury. It must not be usurped by the police, no matter how able and sincere they may be."

He continues that there is reason to believe the abolition of the McNabb-Mallory rule would not really increase police efficiency; that many experts have said an efficient police force relies on scientific methods of investigation rather than upon admissions elicited from the accused by prolonged questioning. He then quotes a portion of the Director's Introduction to the September, 1952, issue of the FBI Law Enforcement Bulletin wherein the Director remarks that "civil rights violations are all the more regrettable because they are so unnecessary."

Williams also notes that the FBI requires its Agents to warn the accused that he is not required to make any statement and that any statement he makes may be used against him.

Williams states that his objection to the Mallory rule is that it does not go far enough--that it does not afford protection to the citizen who is "unlawfully arrested, illegally detained and then released with no charge preferred against him" and it does not apply to state police. He then refers to a "truly shocking" study of illegal detention by the Chicago Police Department, which study was published by the American Civil Liberties Union, and he concludes, "The staggering statistics from that city (Chicago) indicate that hundreds of thousands of Americans are unlawfully held incommunicado by state police every year."

In summing up his views regarding procedural safeguards, Williams philosophizes, "So long as we tolerate lawless law enforcement by state police, we shall have it...We must understand also that the good intentions

of police officers make their violations of procedural rules all the more dangerous."

PRE-TRIAL DISCOVERY OF EVIDENCE (P. 163-185)

Williams strongly advocates pre-trial discovery in criminal cases. He claims that the innocent defendant, not the guilty one, suffers under the present system because the guilty person usually knows the identity of the witnesses against him, as well as what these witnesses have told the grand jury and what they will tell the trial jury. However, "an innocent defendant... may well be unaware of the identity of the witnesses against him. He has no way of knowing what false or misleading testimony has produced the unfounded charge against him."

In noting that pre-trial discovery is provided for under the Federal Rules of Civil Procedure, Williams observes, "I do not believe that the founding fathers intended to surround property rights with greater procedural safeguards than those which protect liberty.... Our present procedural rules are archaic because they express (that personal property is more important than personal liberty)... They date back to medieval days when land was more valuable than the serfs who tilled it."

He next attacks alleged abuses of the Commissioner's preliminary examination--which examination, he states, is the only provision of the present rules of criminal procedure which permits real discovery. Williams cites the Commissioner's responsibility under Rule 5 to inform the accused of his right to a preliminary examination and, unless the accused waives this right, to hear the evidence against him "within a reasonable time." Williams states that the preliminary examination prevents the government from holding an arrested person indefinitely without "probable cause," and it also gives the defendant a chance before his trial to learn who is accusing him and exactly what the accusation is.

According to Williams, however, "When the government does not want to give the defendant this chance, it... tells the commissioner that it is not yet prepared to present its evidence and asks for a continuance.... It (the government) then proceeds to present the case to the grand jury and secures an indictment before the date fixed for the preliminary examination. Since the purpose of this examination is to determine whether the defendant should be held for action by the grand jury, it is apparent that no examination will be conducted after indictment."

Williams claims his first experience with this strategy to evade the Commissioner's preliminary examination was in the James R. Hoffa bribery case in Washington in March, 1957. Williams writes:

> "The FBI arrested Hoffa on the night of March 13, 1957. At approximately 1:00 a.m. on March 14, 1957, he was taken before the commissioner. An Assistant United States Attorney asked to have the preliminary examination postponed for two weeks, on the ground that it would take the government two weeks to prepare its evidence. I objected violently, because I felt sure that this postponement would deprive my client of any preliminary examination at all. I was convinced that the FBI would not have arrested Hoffa until the government had all the evidence it could possibly find...."
>
> "The commissioner, however, accepted the government's representation that it was unprepared to present its evidence and granted the postponement. Nine hours later the prosecutor began to present his evidence before the grand jury. Five days later the grand jury returned an indictment. The preliminary examination never took place."
>
> (Bufile 58-4044-191 verifies that at the hearing before him early on the morning of March 14, 1957, U. S. Commissioner Splain continued the hearing until March 28 despite the vigorous protest of Williams. Hoffa was indicted March 19.)

In commenting on this trial of Hoffa for bribing John Cye Cheasty, an employee of the McClellan Committee, Williams states, "Apparently the jury did not believe his (Cheasty's) testimony, because they acquitted Hoffa. I have often wondered how much of this...would have been unnecessary if I had been given a chance to question Cheasty at a preliminary examination when the facts were fresh and he had had no chance for extensive preparation before testifying. Cheasty had spent days with the prosecutor preparing his testimony before he actually went on the witness stand." (More data on the Hoffa bribery trial appears on page 22.)

With further reference to his insistence upon discovery by the defense of the prosecution's evidence and witnesses, Hoffa states, "The Supreme Court took a long step toward remedying these inequities in 1957, when it decided the Jencks case. Jencks was a union officer charged with filing a false non-Communist affidavit. The principal witnesses against him, Harvey Matusow

and J. W. Ford, were FBI informers. The trial judge refused to let Jencks's lawyer see the reports which Matusow and Ford had made to the FBI concerning Jencks, because Jencks's lawyer was not able to show any inconsistency between their trial testimony and their reports.... In a celebrated and highly controversial opinion the Supreme Court held that a defendant is entitled to inspect prior statements by government witnesses. It pointed out the absurdity of requiring the defendant to show an inconsistency between their testimony and their statements before he has seen the statements. It also pointed out that inspection by the trial judge to determine whether there is any inconsistency cannot be satisfactory."

He continues, "The Jencks decision raised a storm of conflict. It was wildly predicted that every FBI file would be opened to the forces of subversion and that law enforcement would become impossible." Williams adds that he feels it would be preferable for the defense to be furnished the prior statements of Government witnesses "several days or a week before trial" rather than during the trial, in order to assure an opportunity to carefully study them without the pressure of trial and in order to give the defense an opportunity to run down leads suggested by the witnesses' statements.

Williams states that a "classic example of the need for fair discovery procedures" can be found in the 1933 trial of Kathryn Kelly (Machine-Gun Kelly's wife) for kidnaping. He asserts that Kathryn Kelly might have been falsely convicted, stating, "Perhaps....the FBI had in its possession in 1933, at the time of Kathryn Kelly's trial, evidence of the most persuasive character that she had not signed the letters in question (two letters bearing Machine-Gun Kelly's signature which were mailed in Chicago after the kidnap victim had been returned and the ransom had been paid--which letters were identified by a private, not an FBI, handwriting examiner as having been written by Kathryn Kelly). After the letters had been examined by the local expert, they were sent to the FBI Laboratory in Washington. There they were intensively examined by the bureau's top handwriting analyst, Charles A. Appel, who concluded that the signatures had not been written by Mrs. Kelly.... This evidence was kept from the jury that tried Kathryn Kelly. If the jury had known that the local expert who testified was wrong, according to the bureau's own expert, and that Mrs. Kelly was undoubtedly telling the truth about the letters, the result might have been different." (This matter has been separately analyzed by the General Investigative Division and the results set forth in memoranda from Mr. Rosen to Mr. Belmont dated June 15 and 26, 1962, based upon a portion of Williams' book printed in the June 16, 1962, issue of "The Saturday Evening Post.")

According to Williams, the major argument against the application of the civil rules of discovery to criminal procedure is that the prosecution cannot compel the defendant to testify. He does not feel this is a valid reason for denying discovery procedures to the defendant, giving the ludicrous argument that "the 90-per-cent record of convictions in criminal cases obtained by the government each year is ample testimony to the fact that the scales are weighted heavily for the prosecutor once the case gets into court."

CONFRONTATION (P. 186-205)

Williams asserts that the right to confront and cross-examine one's accusers is an indispensable safeguard in any system of justice. Yet, he continues, many Americans identify cross-examination with trickery or with unsavory efforts to confuse or berate honest witnesses--"Hundreds of motion pictures and television shows have created the image of the crafty lawyer who conceals truth or who deliberately confuses truth with falsehood through cross-examination."

Williams acknowledges that few people dispute the need for confrontation and cross-examination in the courtroom, but this is not true in loyalty hearings and other administrative proceedings "where Americans have lost their jobs, their property and their reputations....This problem became particularly acute during the heyday of the Communist scare in the early 1950's. Men were fired from government jobs and branded 'security risks' without a chance to know or to question those who accused them. Men were smeared as Communists or Communist sympathizers and lost their reputations without an opportunity to probe by cross-examination the testimony of those who spoke against them. Those were not bright pages in our history. But the worst may have passed...."

"Without confrontation and cross-examination, a man brought before a hearing board is subject to trial by inquisition. His accuser may be a trained FBI informant, or he may be a malicious busybody, or he may be an incompetent with a flair for melodrama. We saw all three kinds during the early 1950's...He may be stable or unstable; bright or stupid, right or wrong, but the man who is accused can never challenge him. The charge may be a mistake. It may be a bureaucratic error."

Williams concedes that there are situations in which the disclosure of an informant's identity could do serious damage to our national security; and in such instances he feels it is acceptable to remove a security risk from a sensitive position without confrontation. But he feels the decision to remove the security risk under these circumstances should be subject to review not only by a board of appeal but also by the courts.

PUBLICITY AND OTHER PRESSURES (P. 206-224)

Williams states, "Far too often bystanders in the mob and in the market place... influence the outcome of individual cases. In many instances the result of this meddling is a miscarriage of justice...."

As an example of "meddling with the judicial process," he cites the 1958 indictment of Congressman Adam Clayton Powell for income tax evasion. Williams notes that there was intense press interest in the Powell tax case when it first came before the grand jury in 1956; and that following pressure exerted through the pages of William F. Buckley's "National Review," the grand jury indicted Powell on his 1951 and 1952 tax returns.

Powell retained Williams to defend him; and Williams was astounded to learn that Internal Revenue agents had never interviewed Powell concerning his 1951 or 1952 returns; nor had an attempt been made for a civil compromise. Williams also was astounded to learn of "the unorthodox and highly irregular" things which happened with regard to the grand jury--primarily arising from pressures exerted through Buckley's "National Review." Williams concludes, "It was almost two years before the effect of the external influences upon this grand jury could be fully measured. But what developed during the course of the trial of this case in the spring of 1960 compels the conclusion that the indictment of Congressman Powell was born of hysteria." (The indictment regarding Powell's 1952 tax return was dismissed; and a hung jury resulted at the trial on his 1951 tax return, with the Government subsequently dropping the charge.)

Also cited is the Supreme Court's reversal last year of the murder conviction of Indiana's notorious "mad-dog killer," Leslie Irvin, because of the intense pre-trial publicity his case received.

Returning to the Hoffa bribery case, Williams declares:

"So much is said about the defendant's right to a fair trial that sometimes we lose sight of the fact that the same right belongs to the prosecution. A brazen and outrageous attempt was made to put fingers on the scales of justice in the Hoffa bribery trial in Washington in 1957.... One afternoon as I returned to court after lunch I was introduced to a woman lawyer from the west coast. She was a Negro. As I stood chatting with her for a moment, a photographer called us to look his way and snapped our picture. The incident meant absolutely nothing to me at the time. A few days later I was horrified to see the picture in a full-page advertisement in the 'Afro-American,' a paper having large circulation among the Negroes of Washington. The advertisement recounted in detail Hoffa's long record of friendship for the Negro people and their causes. The jury trying Hoffa was predominantly Negro. Obviously, the advertisement had been placed in an effort to influence the jury in Hoffa's favor.

"This was the darkest day of my professional life. I have never before nor since been so upset.... Neither I nor any lawyer assisting me had an inkling that such an advertisement was to appear. I held a long inquisition of everybody in any way connected with the defense, including the defendant himself. I can honestly say that I satisfied myself that no one directly or indirectly connected with the defense staff knew anything about the appearance of the ad. I can honestly say that I'm sure Hoffa himself knew nothing of it. It was the work of a well-motivated meddler from Detroit who thought he was helping his friend 'Jimmy' and who acted wholly on his own."

Williams continues that he had selected eight character witnesses to testify on Hoffa's behalf at the bribery trial. Among these was Negro boxer Joe Louis. However, at the last minute, Williams decided not to use any of the character witnesses because their appearance on the stand would provide an avenue for the prosecutor to cross-examine them about "all the derogatory rumors, hearsay and gossip affecting the defendant's reputation." Williams personally told Louis that he would not be used as a witness; and he claims,

he "was genuinely surprised" to see Louis sitting in the back of the courtroom that same afternoon--"He had come to court wholly on his own, insofar as I knew then or have ever found out since. I very much doubt whether any juror ever saw him.... everyone who had any connection with the trial knows his presence had not the remotest effect on the verdict.... The Louis story seems to grow each year and more legend and less fact gets into it. Needless to say, I'm sorry he ever came to court. But had I known he was coming to observe the trial that afternoon, I would not have asked him to stay away."

RADIO AND TELEVISION INFLUENCE (P 225-231)

Williams supports Canon 35 of the American Bar Association Canons of Judicial Ethics and Rule 53 of the Federal Rules of Criminal Procedure which ban photographing or broadcasting courtroom proceedings. Additionally, he comments that there is a marked difference between Congressional committee hearings which are televised and those which are not--"I dare say that if a grant were made to study the subject, it could be demonstrated convincingly that ten times more useless, irrelevant, repetitive and inane questions are propounded in the televised hearings.... Everybody must get on camera."

OPPOSITION TO CAPITAL PUNISHMENT (P. 232-244)

Williams opposes capital punishment. He states:

> "Caryl Chessman's 12 years in 'death row' before his execution in 1960 underscored more effectively than any other episode in recent years the inhumanity, the injustice and the inequality of capital punishment. It is inhuman because its deterent effects are now recognized as a myth. It is unjust because it leaves no remedy for a mistake. It is unequal because it is exacted almost exclusively of the poor and the ignorant. It is, in short, a relic of the barbarous days when our law demanded an eye for an eye.
>
> "Criminologists, penologist and sociologists generally agree that there are only two reasons for punishing those who commit crimes: to attempt to rehabilitate them and to deter others from criminal ways. But you can't rehabilitate a dead man, and the record is conclusive that the death penalty does not have greater deterrent effect than life imprisonment."

In addition to the Chessman case, Williams cites the Willie Lee Stewart case to prove that captial punishment "is neither swift nor sure." (Stewart killed a grocer during a hold-up in the District of Columbia in 1953. He has thrice been convicted of first degree murder for this offense, and each time his conviction has been reversed.)

Williams also points to the Justice Department's action in "finally" advocating abolition of mandatory capital punishment for first degree murder in the District of Columbia "because it recognized that in such cases juries were reluctant to convict and the appeals courts reluctant to affirm conviction." He cites statistics reflecting that 104 defendants were indicted for first degree murder in D. C. from 1953 to 1960, but that by the end of 1960, only one of these had been electrocuted. (Bureau of Prisons statistics show there was one electrocution in Washington in 1953 and one in 1957.)

Williams also states that FBI crime statistics show that most of the states which have abolished capital punishment have a lower homicide rate than neighboring states which retain the death penalty.

He makes the astonishing statement that it is "almost unheard of for a convicted killer to kill again after release from prison. Parole authorities do not release such prisoners unless convinced that they are no longer dangerous to society. In any event, the risk of recidivism is outweighed by the risk of executing innocent men." Additionally, he again cites Judge Curtis Bok's remark that convictions of the innocent outnumber acquittals of the guilty; and he states that capital punishment "is indefensible if only because it renders irreversible these miscarriages of justice."

TREATING THE EMOTIONALLY ILL (P. 245-263)

Williams quotes the late Judge Jerome N. Frank as observing "Society must be protected against violence and, at the same time, avoid punishing sick men whose violence drives them, beyond their own controls, to brutal deeds. A society that punishes the sick is not wholly civilized. A society that does not restrain the dangerous madman lacks common sense."

Williams comments, "Too often, when a man has committed one crime after another, society has not paused to ask why. Instead, it has sent him to prison again. If it had asked why, it might have found a man who was mentally ill. It's easier not to ask why. It's easier to send to prisons men who should be in hospital wards than it is to face all the problems inherent in squarely confronting mental illness."

He then theorizes, "Most criminologists, sociologists, judges and lawyers regard rehabilitation and deterrence as the true objectives of criminal justice. The ideal is to rehabilitate the offender for a useful life in society and deter him and others... There are those who talk of the protection of society as the real goal of the criminal process. (The Director, of course, is in this group.) This has always seemed to me to be another way of expressing the deterrence theory with simply a shift of emphasis. Finally, there are those who regard the whole concept of criminal justice as an instrument of social vengeance."

Williams claims that lawyers traditionally have been "bastions of the status quo. We seem to have a basic distaste for moving the law forward into new areas." And he states lawyers have a "basic lack of faith in psychiatrists and in the treatment of mental illness. A poll taken a few years ago among 4,000 persons, mostly professional people, showed that only in the legal profession was there a relatively great distrust of psychiatry."

He also states that juries cannot properly evaluate the mental condition of a defendant unless they have all the facts, "but evidence of mental illness is seldom spread before a jury as graphically and in as great detail as is the evidence of the crime. Thus, the impact made by the facts of a crime is so great that the jury loses sight of the mental condition of the defendant. When this impact is joined with the attitude of many prosecutors and some judges that almost no one should be acquitted by reason of insanity, that psychiatrists are not to be trusted and that insanity defenses are to be regarded with great skepticism, it is no wonder that there are many miscarriages of justice."

CENSORSHIP BY POST OFFICE DEPARTMENT AND OTHERS (P. 264-297)

In 1955, when the Post Office Department advised "Confidential" magazine that no issue of "Confidential" could be sent through the mail until the Post Office had read it and concluded that it contained nothing "improper." Williams was hired to counsel that magazine. He moralizes that if the Postmaster General can bar "Confidential" from the mails without notice, without charges and without a hearing, he can do the same to any periodical. He also observes that the position of Postmaster General traditionally has gone to the chairman or campaign manager of the victorious political party; and he quotes approvingly an editorial written by Alan Barth in "The Washington Post" criticizing Arthur Summerfield's action against "Confidential."

Williams also mentions the case of One, Inc., versus Olesen. He notes the homosexual appeal of "One" magazine and states, "As Judge Desmond of the New York Court of Appeals said of the Sunshine Book and One, Inc., cases, 'Presumably, the court having looked at these books simply held them not to be obscene.'" ("One" is well known to the Bureau. It has attempted to cloak homosexuality in respectability by such tactics as implying that there are homosexuals in the FBI.)

Williams feels that a "workable" definition of the term obscenity is needed and that the Post Office Department should "confine its censorship efforts to hard-core pornography or dirt for dirt's sake." He acknowledges, however, that "reformation of postal practices will not mean the end of the censorship problem" because "every state except New Mexico has statutes directed toward obscenity, and there are also countless county and municipal regulations."

He observes, "Experience has shown us that both official censors at the local level and private societies formed to suppress literary vice feel an almost irresistible impulse to stray from the path of moderation and good sense. They tend to become obsessed with the chase and lose perspective in their gratification over finding the objects of their search." He cites the example of a female member of Indiana's State Textbook Commission who demanded that Robin Hood be eliminated from school textbooks on the ground that Robin Hood follows the communist line. This woman also demanded elimination of all references to the Quaker religion because "Quakers don't believe in fighting wars" and such a policy is helpful to the communists.

Williams objects to censorship activities of police and other city officials. He notes that the National Organization for Decent Literature and other groups are active in this field, and he states:

> "Virtually none of the literature which offends their moral sensibilities, and against which they are carrying their attack, can be lawfully suppressed under the First Amendment test for obscenity laid down by the Supreme Court of the United States."

CIVIL RIGHTS AND THE SOUTHERN NEGRO (P. 298-307)

Referring to the global struggle between communism and democracy, Williams states, "In the war of competing ideologies, our victory should be inevitable because we are right. But we shall prevail only if we

practice what we preach, if we live as we talk. And in this basic fact lies the relationship of our domestic crisis to our global challenge.

"We are in a crisis in race relations precisely because we have not acted like a government of laws. We have allowed the established law of the land to be mocked. We have permitted one sixth of the nation, through its leaders, to ignore, thwart and frustrate the law of the land. And because of this we have suffered humiliation on the world stage."

He refers to the 1954 Supreme Court desegregation ruling and states, "Eight years later the law of the land is still met with arrogant defiance by men in power who regard themselves as above the law. Eight years later 95 per cent of the South's Negro students are still attending segregated classes."

Williams is "convinced that we are blessed in the 1960's with the greatest Supreme Court of this century. But it, like any other court, must look to the executive branch of government for the enforcement of its decrees."

He laments that, except for certain of the larger cities, the Negro in the South is effectively disenfranchised; and he cites the case of Joseph Atlas, a Louisiana Negro farmer who appeared before the Civil Rights Commission to secure the right to vote. The day after he testified, the sheriff of his parish told Atlas that he (Atlas) would no longer be able to get his cotton processed in that parish. This proved to be true; however, Atlas called the Civil Rights Commission and the Justice Department; and the latter asked for a court order aimed at those who refused to deal with Atlas. As a result, "the merchants agreed that they would sell to him and gin his cotton as they had done before he testified. But a year later Joe Atlas still had not been registered to vote."

Williams observes that the purchasing power of Negroes in this country has been estimated at $18 billion. He urges Negroes to spend their $18 billion only in places which accord them equal justice, equal respect and equal opportunity. He points out that the Federal Government, by Executive Order, deals for goods and services only with contractors who include anti-discrimination clauses in their contracts.

Stating that such a selective buying policy is preferable to the "sit-in" demonstrations which have been used in recent years, Williams declares, "The 'sit-in' is an affirmative action which time and again has caused the eruption of violence. Negroes may win fair treatment as a result of 'sit-ins,' but the violence they breed does America no good, either internally or as it faces the world."

IGOR MELEKH AND THE WORLD COURT (P. 308-325)

Commenting upon the arrest of Igor Melekh for espionage by FBI Agents in October, 1960, and his (Williams') subsequently agreeing to defend Melekh, Williams states, "On the surface it appeared to be no different from the score or more of Soviet espionage cases that had been uncovered since 1945, most of them involving Russians enjoying diplomatic status. The usual practice had been to send them home after appropriate protests were registered. But this case had broken in the wake of the U-2 incident and the trial of Francis Gary Powers.... It was the first time in years that our government had secured an indictment and effected the arrest of a Soviet citizen."

Williams observes that the Soviets claimed that Melekh enjoyed diplomatic immunity. He then goes into a dissertation concerning his belief in a strong world court and world rule of law. He states that the International Court of Justice was created as an adjunct to the United Nations back in 1945; that the International Court has been a failure and has virtually no business; that the United States "must assume major responsibility for the court's failure, because we have refused to submit unqualifiedly to its jurisdiction by virtue of the Connally Amendment (which Williams wants repealed); that the United States has brought four suits against Russia before the World Court, and all these cases were dismissed because Russia would not consent to be sued.

With this background, Williams then gives the following explanation of his handling of the Melekh defense:

> "I met Melekh in late November at a hotel in New York just off Madison Avenue. We talked for several hours. While we talked, FBI Agents sat downstairs in a car and watched the entrance to the building. Melekh was a highly intelligent man, soft-spoken and articulate. He seemed frightened and confused. He readily agreed that if I accepted his case I should have total control... I pointed out to representatives of the embassy that legal questions involving the immunity of international employees were involved and that I wanted the power to dispose of these questions in accordance with my judgment.... They agreed.
>
> "When I left the hotel several hours later, the FBI agents were still sitting unobtrusively in a car across the street. I couldn't help smiling at their obvious curiosity about my identity and the reason for my visit. They had seen me enter earlier with the attaches of the Soviet Embassy. I walked to the nearest intersection, turned down Madison Avenue and paused at a shop window.

One of the agents emerged from the car to begin the "tail." He hurried to Madison Avenue and turned the corner, almost bumping into me. I could not resist the temptation to introduce myself and explain that I had just conferred with Igor Melekh about representing him at trial. The agent was nonplused at first. Then he grinned sheepishly. His sense of humor overrode his embarrassment. We shook hands pleasantly and he walked slowly back to his car. *

"When I got back to Washington. I called Robert Kennedy for an appointment. . . . The Attorney General designate was not familiar with the Melekh case. There was no reason he should have been. I gave him the background of the case and briefed him on some of the legal questions involved. The main question at issue was whether Melekh, as an official of the United Nations, enjoyed diplomatic immunity from criminal prosecution. I told Mr. Kennedy that if he would agree on behalf of the United States government that this question, which turned on the interpretation of the treaty creating the United Nations, could be decided by the International Court of Justice, I would so agree on behalf of my client. I said to him that I thought rarely, if ever, were two lawyers given the chance to make such a contribution to the cause of world peace. If my idea could be implemented, it would mark the first time in history that the USSR had ever submitted to the jurisdiction of the World Court. . . .

"Robert Kennedy quickly saw the possibilities of the idea, and I think he was intrigued by them. He saw the whole case in its true perspective. Merely convicting another spy would be insignificant in the course of international events. But getting the Soviets into court would open up horizons unlimited. . . . . "

Williams continues that after a number of weeks, the Attorney General finally told him that his proposal was rejected. He gave Williams no reason why.

Judge Edwin Robson in Chicago ordered that Melekh appear on March 24, 1961, for arraignment and for the setting of a trial date. However, on March 22, while Williams was in New York the Attorney General called him and told him that the Government would voluntarily dismiss the Melekh case.

*(No incident such as this could be found in the sections of the Igor Melekh file covering the Fall of 1960.)

2
New York will be asked about this.
D.F.M.

Before Melekh left the United States, Williams had a talk with him and some members of the Soviet United Nations delegation, including Platon D. Morozov, a Soviet lawyer. Williams explained to Morozov his hope that both Russia and the United States would one day make unqualified declarations recognizing the compulsory jurisdiction of the International Court. Williams claimed that Morozov joined him in his expression, and that Morozov agreed that strengthening and expanding of a world judiciary would offer the best hope of world peace.

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Malone
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

[redacted]

June 23, 1962

M 11-1

Mr. J. Edgar Hoover
Director
The Federal Bureau of Investigation
Washington, D. C.

b6
b7C

Sir:

Two weeks ago, in an article written by Mr. Edward Bennett Williams, the eminent Washington attorney, in the Saturday Evening Post, he made a startling accusation at the FBI in a case where your department's handwriting expert had evidence to the contrary, which was withheld, with the result that an innocent person was fraudulently convicted.

And yet, I remember in that great piece of propaganda, a best selling novel some years back, titled, I believe, the FBI Story, you said that the FBI will go to great lengths to prove the innocence of a person.

Would you comment on this disparity ?

Sincerely,

[redacted]

EX-102

3 JUN 27 1962

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JUL 17 1962

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NOT RECORDED
149 JUL 17 1962

10 JUN 27 1962

CORRESPONDENCE

51 JUL 23 1962

ORIGINAL FILE IN

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Belmont

DATE: 6/26/62

FROM : C. A. Evans

SUBJECT: MAIL COVERS
(Inquiry received by Post Office Department from Senator Long)

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/19/91 BY SP. 1mac/pb

ATTACHED

Memorandum from Mr. Belmont to Mr. Tolson, dated 6/21/62, set forth information concerning inquiry received by the Post Office Department from Senator Long of Missouri, regarding mail covers. Chief Inspector Montague of the Post Office advised Mr. Belmont that as a result of an inquiry by a St. Louis Dispatch newspaper reporter concerning the Post Office policy on mail covers, Senator Long has asked the Postmaster General for certain information, such as the number of mail covers in existence, rules and regulations governing these, etc.

In my absence, No. 1 Man C. H. Stanley discussed this matter with Assistant Attorney General Miller who had been previously contacted by Chief Inspector Montague. With reference to the possibility of a Bureau representative accompanying Mr. Montague at the time he personally discusses the matter with Senator Long, Mr. Miller stated he understood our position that it would be better for a Departmental official to accompany Montague. Mr. Miller indicated he desired someone render assistance to Montague and that either he or some other Department representative would assist Montague. The Bureau's position as to our complete control on the use of mail covers was completely explained to Mr. Miller. It was pointed out to him this technique is used sparingly in such matters as internal security and to a limited degree in important fugitive or racketeering-type cases. Miller was fully briefed on the Director's policy concerning mail covers.

Mr. Miller was very specific in his statement that he was certainly not in sympathy with the position of Senator Long or Edward Bennett Williams regarding mail covers; that it was a simple matter to talk against ~~matters~~ such but that should Senator Long's child be kidnapped or if some other incident happened he undoubtedly would change his mind on mail covers. Miller was very cryptic in this regard. He did ask that the Bureau furnish him, if possible, with any material available which might show the necessity or value of mail covers in certain type cases. He stated he wanted no elaborate document but that in order to assist the Post Office he would very much appreciate being furnished some examples.

XEROX
JUL 17 1962

62-98896 25 JUL 17 1962
NOT RECORDED
145 OCT 17 1962

1 - Mr. Rosen
1 - Mr. Sullivan

67 JUL 18 1962

CHS:maw
(6)

Memo Evans to Belmont 6/27/62 CHS:maw

Memorandum to Mr. Belmont
RE: MAIL COVERS

ACTION:

Chief Inspector Montague of the Post Office is being advised of our discussion with Miller concerning this matter.

We are gathering a few examples of beneficial mail covers which, if approved, will be handed to Mr. Miller for his use in this matter.

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

~~SECRET~~

DATE: 6/21/62

FROM : A. H. Belmont

cc Mr. Belmont
Mr. Sullivan
Mr. Evans
Mr. Rosen

SUBJECT: MAIL COVERS
(Inquiry received by
Post Office Department
from Senator Long)

Chief Inspector Montague, of the Post Office Department, called me this afternoon. He is a close contact of the Bureau, through whom we handle highly classified programs of the Bureau requiring Post Office assistance. (X)(4)

Inspector Montague said he wanted to apprise us of a situation which arose as a result of articles by Attorney Edward Bennett Williams in the Saturday Evening Post. He said Williams had commented on mail covers and took a position against mail covers as a violation of civil rights. He said this was an opportunistic statement by Williams, because at one time Williams was on the other side of the fence--he was in favor of mail covers.

A newspaper reporter on the St. Louis Dispatch picked up the statement by Williams and has been making inquiry as to how many mail covers there are, and by what agencies. The Post Office gave him short shrift, and he went to Senator Long of Missouri, who has written to the Postmaster General asking for the statutory authority whereby the Post Office places mail covers; the rules and regulations relative thereto promulgated by the Post Office Department; the number of such mail covers now in existence, and the total that were placed in 1961 and 1960. Mr. Montague said that Senator Long is up for re-election this Fall and is probably looking for publicity.

Mr. Montague said that the Post Office Department had been in touch with Assistant AG "Jack" Miller of the Justice Department, relative to the reply to be afforded Senator Long, and the reply will be shown to AAG Miller before it goes to Senator Long. Mr. Montague said that the Post Office Department does not plan to furnish any statistics as to the number of mail covers to Senator Long, but will, of course, advise the Senator of the statutory authority and the regulations of the Post Office Department pertaining to mail covers.

62-98896

AHB:CSH (5)

NOT RECORDED
145 JUL 17 1962

25 JUL 17 1962

Memo Evans to Belmont
6/26/62 CHS:MAW

XEROX
JUL 17 1962

58 JUL 20 1962

NINE ~~SECRET~~

ORIGINAL FILED IN 62-29533-9413

Mr. Tolson

SECRET

Mr. Montague feels that it is important, because of the security aspects of certain programs worked out with the Post Office Department by the FBI and other agencies (CIA), that Senator Long be steered correctly on this matter so that it does not blossom into a publicity campaign. Therefore, he plans to deliver the Post Office reply to Senator Long personally and explain to him the value of mail covers which are used in cases involving fugitives from justice, racketeers, and cases involving important security matters. In view of our interest, Montague wanted to know whether we would like to have someone go along with him to further impress Senator Long.

I told Mr. Montague that my first reaction was that if the FBI has someone accompany the Post Office representative, it would lend importance to this inquiry and would increase the possibility of publicity, rather than decrease it. He said it was possible that AAG Miller would accompany the Post Office representative in talking to Senator Long. I told him this would be a better idea.

Montague said he would like for us to think this over and he would be in touch with us again before the answer was sent to Senator Long, and he would also be in touch with AAG Miller.

I told Mr. Montague that the FBI uses this technique of mail covers very sparingly and that we require that headquarters pass on every mail cover; that we do not allow our field offices to place them without headquarters concurrence. He said that the Post Office had made a quick check and noted that the FBI did use this technique sparingly and, as a matter of fact, had decreased the number of mail covers in recent years. He said he wished the same were true of other agencies, such as Internal Revenue, the armed services, et cetera. (At the present time we have 140 mail covers in security cases, and 32 mail covers in criminal cases--17 fugitives and 15 racketeers.)

RECOMMENDATION:

We are checking the Edward Bennett Williams articles to see exactly what reference he made to mail covers. Thereafter I think we should see AAG Miller and point out to him the very limited use the Bureau makes of this technique. We should point

SECRET

(S)

Mr. Tolson

~~SECRET~~

out to Miller that if anyone accompanies the Post Office representative to see Senator Long, it would be better for the Department to handle this, as the Department is in a position to take up any court decisions which have upheld the legality of the use of mail covers.

[redacted] b1

[redacted] as this is a matter strictly between us and the Post Office Department. (S)

Following our discussion with AAG Miller, we will advise Mr. Montague accordingly.

Memo Evans to Belmont
6/26/62 CHS:MAW

~~SECRET~~

1 - Mr. Kleinkauf
1 - Mr. Reddy

Mr. J. Walter Yeagley
Assistant Attorney General

June 26, 1962

Director, FBI

BURT GALE NELSON
INTERNAL SECURITY - C
INTERNAL SECURITY ACT OF 1950
Edward Bennett Williams

Reference is made to my letter dated June 20, 1962, regarding the interest taken by the Seattle Chapter of the American Civil Liberties Union (ACLU) in defending Burt Gale Nelson in connection with his forthcoming hearing before the Subversive Activities Control Board relating to his failure to register under the Internal Security Act of 1950.

On June 21, 1962, the confidential informant who has been identified to the Department as "4K" (Seattle) advised that according to Nelson, the national headquarters of the ACLU does not want to be "red baited" and has instructed its Seattle Chapter not to allow any Seattle ACLU officer to become involved in Nelson's case. As a result, the Seattle Chapter of the ACLU will still furnish an attorney for Nelson but the attorney will be "just an ACLU member."

Nelson further indicated to "4K" that the interest of the Seattle Chapter of the ACLU in his case was based on the desire of the ACLU to defeat the McCarran Act and because the ACLU does not want anyone imprisoned for his "political" beliefs.

100-54015

1 - (62-98896)
1 - 100-~~7057~~ 64-190
EBR:bgc
(7)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/5/02 BY SP5JC/AE #941854

See Serial 209 in 100-54015

YELLOW DUPLICATE JUN 26 1962 MAILED

62-98896
NOT RECORDED
46 JUN 28 1962

ORIGINAL FILED IN 100-54015

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Belmont

DATE: June 15, 1962

FROM : A. Rosen

SUBJECT: GEORGE KELLY BARNES, ET AL.
CHARLES URSCHEL - VICTIM
KIDNAPING

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/15/91 BY SP-7 Mare/bb

ORIGINAL FILED IN 7-115 2992

In line with the article appearing in the 6-16-62 issue of the "Saturday Evening Post," written by Edward Bennett Williams, Washington, D. C., attorney and Bureau antagonist, in which it is alleged that the Federal Government willfully withheld evidence (meaning FBI Laboratory Examiner Charles A. Appel's findings) in connection with the trial of Kathryn Kelly in 1933, this is to advise that we are reviewing extensive files at the Seat of Government and a search is being made at Oklahoma City.

I thought you should know these preliminary facts with reference to the above matter. It is recalled that Charles F. Urschel had been kidnaped on 7-22-33 from his home at Oklahoma City and held for $200,000 ransom. He was subsequently released unharmed and prosecution of "Machine Gun" Kelly, his wife Kathryn, and others involved initiated in U. S. District Court, Oklahoma City. During the trial of six of the subjects and prior to the apprehension of the two Kellys, two letters were received, one by Urschel and another directed to a Oklahoma newspaper threatening the lives of Urschel and his family. These letters bore the thumbprint of "Machine Gun" Kelly and were signed George R. Kelly.

With reference to these letters, a handwriting examination was conducted by D. C. Patterson, a Oklahoma City handwriting expert, now deceased, who testified during the trial of Kathryn Kelly on October 10 and 11, 1933, that she had prepared both letters. These letters did not bear directly on the charge of conspiracy to kidnap for which Kathryn Kelly was charged and it is not known why the Government chose to introduce these extraneous threatening letters.

Bureau files indicate that FBI Laboratory Examiner Charles A. Appel, who conducted examinations of the same handwriting specimens on September 23, and October 3, 1933, which was prior to the trial, was unable to make a positive finding. The text of his reports are set forth below.

ENCLOSURE

ENCLOSURE

1 - Laboratory
1 - Administrative Division
HAS:JAC:mal
(9)

ENCLOSURE

56 JUL 16 1962

ENCLOSURE
See memo Rosen to Belmont
6/22/62
62-98896-

8 JUL 5 1962

NOT RECORDED
102 JUL 3 1962

Memorandum to Mr. Belmont
RE: GEORGE KELLY BARNES, ET AL.

Laboratory report 9-23-33:

"The handwriting on the letters to the Oklahomian and to Urschel is not identical with that of Mrs. Kelly. There are a great many similarities which on casual examination would lead one to think that these handwritings are the same. However, detailed analysis indicates that Mrs. Kelly did not write these letters. The handwriting in the letters is not to any great extent disguised or changed from normal as far as I can tell, and the same is true of the handwriting of Mrs. Kelly.

"A comparison of the signatures of George R. Kelly on three fingerprint cards with those on these letters indicates that he may have written these letters. I do not consider the signatures sufficient to definitely state that he did write the letters but they are sufficient to indicate that he might have done so. If additional specimens of George R. Kelly's handwriting are obtained, further comparison may be made. The original letters are being examined for latent fingerprints."

Laboratory report 10-3-33: (This examination was of a letter addressed to Mr. Keenan under signature of Kathryn Kelly.)

"The handwriting is that of Mrs. Kathryn Kelly. Photographs of the letter were made and were mostly used in this examination as the original was not left in the laboratory long enough to be used.

"From the wording of this letter it would appear that Mrs. Kelly might have written the letter to the Oklahoman newspaper and to Mr. Urschel. I am still of the opinion that she did not write these letters."

No information can be located at this time indicating the Laboratory report of 10/3/33 was forwarded Oklahoma City.

From a review of the above results of examination it is obvious that Appel was vacillating as to the results of his examination and, accordingly, there would appear to be no question as to why Appel did not testify at the trial. There is no indication this information was ever furnished the Department or Joseph B. Keenan, Special Assistant to the Attorney General, who presented the Government's case at the trial. Likewise, Oklahoma City files do not indicate the U. S. Attorney's Office was advised in writing of Appel's findings.

ACTION BEING TAKEN

In view of the fact that our search so far of Bureau files would indicate Appel's ambiguous conclusions were not known to anyone outside of the Bureau, Oklahoma City has been instructed to thoroughly review its files to determine the identity of all personnel having access to these facts.

It should be noted that a review had been conducted by the Oklahoma City Office subsequent to Kathryn Kelly's filing a motion to vacate sentence on 3-19-58, when she alleged among other things that she had inadequate counsel, denied a fair and impartial trial, subjected to threats and duress and false testimony presented by the Government. On 6-9-58, a hearing was held in U. S. District Court, Oklahoma City, and the Government refuted all allegations. District Court Judge ordered all files and reports of the FBI arising out of the Urschel kidnaping be delivered for court examination under the Jencks Decision. The Government interposed Department Order 3229 and the court then sustained motions for new trial. Kathryn Kelly was released from custody on 6-16-58 on $10,000 appeal bond and is still free on this bond as of this date.

The decision of the district court was reversed by the Tenth Circuit Court of Appeals on 7-27-59 and the case remanded back to district court. Kelly filed a petition of certiorari with the U. S. Supreme Court and this petition was denied 2-29-60. The district court then indicated tentative plans to resume hearings on the original motion but on 6-24-60 the judge died in an automobile accident and to date no further court action has been taken.

Every effort is being made to determine how Williams became aware of the above information, including the identity of the FBI examiner.

Memorandum to Mr. Belmont
RE: GEORGE KELLY BARNES, ET AL.

b6
b7C

It should be noted in this regard that former Special Agent [redacted] who was assigned to the Oklahoma City Office during 1960 and 1961, has utilized the services of Williams' Washington law firm in connection with his unfounded claims against the Bureau and this is being taken into consideration as possibly Williams' source of information.

Williams Cites Long-Withheld Evidence About Machine-gun Kelly's Wife

Evidence is a precious thing. It can be the key that frees the innocent and jails the guilty.

Unfortunately it also can be blindly overlooked or willfully withheld. When that occurs, justice suffers.

In one case with which I am familiar, a woman spent twenty-five years in prison, convicted in a trial in which evidence which might have freed her was withheld by the Federal prosecution.

The woman happened to be the wife of a notorious outlaw and kidnaper, George (Machine-gun) Kelly. But no matter who her husband was, she was entitled to a fair trial. She did not receive one.

Even today the Federal Government continues to withhold the evidence in question. The full facts of Mrs. Kathryn Kelly's case never before have been published. Here they are:

Kelly and his wife were tried in Oklahoma City in 1933 for the kidnaping of Charles F. Urschel, a multimillionaire oilman. Kelly denied nothing. Mrs. Kelly vigorously protested her innocence. She said her husband forced her to accompany him and that she could not escape.

It was brought out at the trial that the actual kidnaping was done by two men, one armed with a machine gun, who invaded Urschel's home and dragged him away from a bridge game. He was blindfolded and driven for twenty-four hours to a farmhouse, where he was held eight days. He was released upon payment of a $200,000 ransom.

The Federal Bureau of Investigation, dramatically using its investigative techniques to best advantage, was able to locate the farmhouse through Urschel's remarkably retentive memory. He remembered hearing airliners pass overhead at 9:45 A.M. and 5:45 P.M. every day except one, when there was a heavy storm. The FBI checked and found an airline which was forced to detour its flight that day because of a storm. The route passed over the farm of Mr. and Mrs. R. G. Shannon, Kathryn Kelly's parents, near Paradise, Texas.

The Shannons and a dozen others, including Albert Bates, the second man in the kidnaping, were quickly arrested. While the FBI continued to search for Kelly, the group was placed on trial. Two days later Urschel and a local newspaper received letters postmarked Chicago, threatening dire reprisals if the Urschels testified and insisting that the group was innocent. George and Kathryn Kelly were arrested soon afterward at Memphis, Tennessee.

At the trial of the two Kellys the prosecution offered damaging evidence against her. A local handwriting expert testified that she had signed the two threatening letters. "I did not!" she testified. She insisted her husband had signed them. Mrs. Kelly's lawyer asked for a recess so that he could obtain another handwriting expert to testify on the signatures. The request was denied.

Counsel for Mrs. Kelly concentrated on trying to convince the jury that she was coerced by her husband, much against her will, into participating in the crime. She took the stand and asserted that she had begged her husband to release Urschel when she found out about the kidnaping. She testified that Kelly told her it was "none of [her] business" and that he would kill Urschel if no ransom were paid. The jury convicted her along with Kelly. Both received life sentences. Kelly died in the Leavenworth penitentiary in 1954.

Article in the Saturday Evening Post, 6/16/62
by Edward Bennett Williams

OVER

Mrs. Kelly remained in prison from 1933 until her case was reopened in 1958. An attorney new to the case then argued that her trial was unfair and that she should have been permitted to bring in another handwriting expert to give his views.

The Federal judge who heard this argument ordered the prosecution to produce the twenty-five-year-old records of the case so that he could ascertain whether there was substance to the defense's claims. The Department of Justice refused to produce the files. Thereupon the judge set aside Mrs. Kelly's conviction and freed her on bond pending a new trial. The U.S. Court of Appeals for the Tenth Circuit later reversed this ruling and sent the case back to the lower court for a continuation of the hearing before that court.

Although considerable time has passed, at this writing there has been no hearing. Perhaps the reason is that the FBI had in its possession in 1933, during Kathryn Kelly's trial, evidence that she had not signed the letters in question. Charles A. Appel, the FBI's top handwriting analyst at the time, examined the letters and concluded that the signatures were *not* those of Kathryn Kelly, but might very well have been written by George Kelly.

This evidence was kept from the jury that tried Kathryn Kelly. If the jury had known that the local handwriting expert was wrong, according to the FBI's own expert, and that Mrs. Kelly was undoubtedly telling the truth when she denied signing the letters, the verdict might have been different. This, of course, can be small consolation for twenty-five years in prison.

But the most disturbing facet of the case is that this evidence *was not even disclosed in the 1958 hearing*. Instead, the Government chose to keep the file closed and forget the case.

This case therefore is a classic example of the need for a change in pretrial procedures to give the defense a fair opportunity to discover the evidence confronting it. If Mrs. Kelly had known in advance that a handwriting expert would testify, she might have obtained another expert to challenge his testimony. If she had known that the FBI's own expert had concluded after extensive analysis that she had not signed the letters, she could have called him as a witness. But the procedure of combat by surprise had dealt a lethal blow to her chance to defend herself.

CONFIDENTIAL

1 - Mr. Reddy

Mr. J. Walter Yeagley
Assistant Attorney General

June 20, 1962

Director, FBI

DECLASSIFIED BY 6855
ON 1-6-78

EURT GALE NELSON
INTERNAL SECURITY - C
INTERNAL SECURITY ACT OF 1950

b6
b7C

On June 13, 1962, the source who has been identified to the Department as 4K (Seattle) advised that the Seattle Chapter of the American Civil Liberties Union (ACLU) has apparently been authorized by its national headquarters to provide legal counsel for Burt Gale Nelson. Nelson is one of the ten functionaries of the Communist Party, USA, whose registration as a Party member under Section 13 of the Internal Security Act of 1950 has been requested by the Subversive Activities Control Board. Nelson's attorney will allegedly be [redacted] of the Seattle law firm of Schroeter and Farris.

According to the source, Nelson recently met with several of the Executive Board members of the Seattle Chapter of the ACLU and was advised that the ACLU will stand the expense of defending Nelson and does not desire the Communist Party to collect funds for Nelson's defense.

On June 14, 1962, the same source reported that one of the attorneys of the Seattle Chapter of the ACLU told Nelson that legal matters pertaining to Nelson's case which arise in Washington, D. C., will be handled by the attorney "who defended the late Senator Joseph McCarthy and who had a recent article in the 'Saturday Evening Post.'" Although the name of this individual was not mentioned, the obvious reference was to Washington, D. C., attorney Edward Bennett Williams.

100-54015

YELLOW PLICATE MAILED

62-98896
NOT RECORDED
140 JUL 29 1962

(1) (62-98896)
1 - 100-7057 (ACLU)

NOTE ON YELLOW: Classified "Confidential" inasmuch as unauthorized disclosure of the information could reveal the source and adversely affect the national defense. The source is [redacted]

b2
b7D

EBR:bgc
(6)

54 JUL 6 1962

CONFIDENTIAL

ORIGINAL FILED IN 100-54015-207

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach DATE: 5-28-62

FROM : M. A. Jones

SUBJECT: "OPEN END" PROGRAM
DAVID SUSSKIND, MODERATOR
SUNDAY, MAY 27, 1962, 9:00 P.M.
WTTG - TV
WASHINGTON, D. C.
REMARKS CONCERNING THE
DIRECTOR AND THE FBI

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tave
Trotter
Tele. Room
Holmes
Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/15/91 BY SP-1 mac/DJS

Captioned program was monitored by an Agent of the Crime Records Division. Susskind's guests for the evening were Washington, D. C., Attorney Edward Bennett Williams; New York City Attorney Louis Waldman; New York City Attorney and former assistant U. S. Attorney for the Southern District of New York, C. Dickerman Williams, and writer Gus Tyler.

MENTION OF THE DIRECTOR AND THE FBI:

The subject of the evenings discussion was wire tapping. Edward Bennett Williams stated that he agreed with former U. S. Chief Justice Oliver Wendell Holmes that wire tapping was "a dirty business." He stated it is against the Federal law and that the FBI has been constantly violating this Federal law for 25 years. C. Dickerman Williams defended the Bureau by pointing out that Edward Bennett Williams' statement was his (Edward Bennett Williams) opinion, and that the FBI had engaged in no wire tapping until they were advised by then U. S. Attorney General Jackson it was proper to do so under certain circumstances. Edward Bennett Williams stated that the only time he believed wire tapping would be justified would be in the event national security was threatened. He stated that this condition had never been shown. In addition, Edward Bennett Williams read the following quote of the Director, without identifying it in context or in point of time: "While I concede that the telephone tap is from time to time of limited value in the criminal investigative field, I frankly and sincerely believe that if a statute of this kind were enacted the abuses arising therefrom would far outweigh the value which might accrue to law enforcement as a whole." Edward Bennett Williams stated that he had never heard of the Director going before Congress and repudiating this statement. C. Dickerman Williams then pointed out that the Director made this statement prior to Attorney General Jackson's ruling which permitted wire tapping by the Bureau under certain limited circumstances. (The quotation above is from the Director's statement in March, 1939, opposing a bill pending in Congress to legalize wire tapping which was sponsored by the Treasury Department. It was included in Department of Justice press release dated 3-15-40, released 3-18-40.)

1 - Mr. DeLoach
1 - Mr. Sullivan
1 - Mr. Conrad
GGL:bch (6)

1 - Mr. Belmont
MAY 31 1962
XEROX
JUN 7 1962

SENT DIRECTOR
5-28-62

62-98892
NOT RECORDED
178 JUN 7 1962

CRIME RESEARCH

ORIGINAL FILED IN 62-92048-1

M: A. Jones to DeLoach
RE: "OPEN END" PROGRAM
DAVID SUSSKIND, MODERATOR

OBSERVATION:

This program was entitled "Police State vs. Free State." Wire tapping was not even a subject of discussion until the 10:00 station break, at which time it was brought up by Susskind. There is nothing new here. This is just another instance of Susskind's pandering to the discredited synthetic hysteria of the pseudo-liberal, quasi intellectual left.

RECOMMENDATION:

For information.

Mr. Tolson
Mr. Belmont
Mr. Mohr
Mr. Callahan
Mr. Conrad
Mr. DeLoach
Mr. Evans
Mr. Malone
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

7-16-62

Mr. DeLoach:

Re: "ONE MAN'S FREEDOM" BOOK BY EDWARD BENNETT WILLIAMS
BY EDWARD BENNETT WILLIAMS

ASAC Joe Schmit telephoned this morning at 9:30 a.m. while you were in conference to furnish information regarding our inquiry of Saturday, 7-14-62. We asked Schmit to advise if there was any substance to the comment made by Williams in his book to the effect that on one occasion after talking to his client, Igor Melekh, he bumped into an FBI Agent on Madison Avenue in New York implying that we had been surveilling Melekh.

On November 4, 1961, while Melekh was being released on bail, New York sent a teletype to the Bureau saying it would not conduct a full time physical surveillance on Melekh and that sources would be developed which could furnish information regarding his activities. In addition, the New York surveillance log shows that on November 17th, after being advised that Melekh planned to move from the Alrae Hotel, 37 East 64th Street, a surveillance was conducted from 10:45 a.m. to 1:22 p.m. on that date, during which time Melekh was observed to move to the Coliseum Hotel, 228 West 71st Street. No incident occurred during this surveillance.

Schmit said New York would have had no occasion to conduct surveillance on Melekh at any other time since the Bureau had previously been advised that no such coverage of Melekh would be made. He stated Williams was not engaged by Melekh until after he was released on bail. According to Schmit this contact with an FBI Agent could not have happened.

M. A. Jones

1 - Mr. DeLoach
1 - Mr. Jones

WO'B:ear

EX-102
REC-58
62-94896-

5 JUL 24 1962

CRIME RECORDS SEARCH

53 JUL 30 1962 — XEROX JUL 25 1962

UNRECORDED COPY FILED IN 105-37365

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. DeLoach DATE: 7-17-62

FROM : M. A. Jones

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/19/81 BY SP-1 mal/BHC

SUBJECT: EDWARD BENNETT WILLIAMS
APPEARANCE ON "TONIGHT" SHOW
WRC-TV, 11:30 P.M., JULY 16, 1962

Television Program

On the evening of July 16, 1962, the "Tonight" show of the National Broadcasting Company network had as its host Miss Arlene Francis. The Washington outlet was WRC-TV, Channel 4.

The usual guests were trotted out by Miss Francis: Rod Steiger, an actor who bragged of his 5 years under psychoanalysis; Al Capp, cartoonist (Lil' Abner) and news columnist; Will Jordan, comedian; and announcer Hugh Downs.

Toward the end of the evening, host Francis introduced the piece de resistance, Edward Bennett Williams, noted attorney and critic of the FBI.

Williams' noble cause for the evening was the hustling of sales for his new book, "One Man's Freedom." "It's absolutely thrilling," gushed Miss Francis. Williams has improved since his last performance; he no longer faintly praises the FBI before attacking us. Off on his favorite subject of "wire tapping" last night, Williams argued against the Attorney General's proposed legislation on this subject, stating that there had never been a demonstration that spies, saboteurs or traitors could be caught by the employment of this technique. Williams asserted that in the Coplon case the Court of Appeals reversed the the verdict because the "FBI had invaded the attorney-client relationship."

RECOMMENDATION:

For information.

1 - Mr. DeLoach

GGL:nab
(4)

REC- 41 62-98896-30

16 JUL 24 1962

EX-102

CRIME RESEARCH

58 JUL 26 1962

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: May 5, 1965

FROM : J. H. Gale

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/19/91 BY SP-7 mac/kbc

SUBJECT: EDWARD BENNETT WILLIAMS

Our inquiries conducted under the Criminal Intelligence Program have revealed that major American hoodlums when confronted with possible prosecutive activity against them by the Bureau or other Federal agencies are turning to Edward Bennett Williams, Washington, D. C., attorney, to represent them in their difficulties with the law.

Over the past three years, Williams has represented, among other major criminal personalities, the following individuals who are actively engaged as leaders of La Cosa Nostra, or who are closely affiliated with this nationwide organization.

Williams has successfully represented Frank Costello of New York in deportation proceedings against Costello.

Williams handled the appeal from the narcotics conviction of Vito Genovese, "boss" of the Genovese "family" of La Cosa Nostra, in the arguments before the Circuit Court of Appeals and the Supreme Court. The Supreme Court finally, this year, affirmed the conviction of Genovese, who is currently incarcerated at Leavenworth Penitentiary, serving a 15-year sentence.

In the bank robbery case involving [redacted] La Cosa Nostra member "Charlie the Blade" Tourine, Williams managed to have the Justice Department drop the case against [redacted] is the same individual, who, with Marshall Caifano, Chicago La Cosa Nostra member, endeavored to extort money from millionaire gambler [redacted] in Las Vegas, Nevada, and was successfully tried and convicted for this offense by the Government following a Bureau Investigation. b6 b7C

Williams has also successfully defended "Milwaukee Phil" Alderisio in an extortion trial held in Miami, Florida, late last year. Alderisio is one of the top La Cosa Nostra members of the Chicago underworld. In April of 1965, Williams was attorney in the extortion trial brought by the Bureau against Alderisio, Ruby Kolod and "Willie" Alderman. This trial resulted in a conviction of these three

1 - Mr. DeLoach
1 - Mr. Belmont
1 - Mr. Gale
1 - Mr. McAndrews

McA:rml (5)

62-98896-31

REC 1

8 JUN 4 1965

JUN 8 1965

DUB: Sent Quantico 5-10-65

individuals. Williams, during the trial, allegedly represented exclusively Ruby Kolod of the Desert Inn, Nevada, but confidential information obtained over our highly confidential sources has indicated that Williams also took an active part in preparing Alderisio's defense in this case.

Within the past month, Williams has become attorney representing "commission" member Samuel Giancana of La Cosa Nostra with reference to his forthcoming appearance before the Federal grand jury in the Southern District of New York. Unquestionably when Giancana is served with another subpoena to appear before the Chicago grand jury later this month, Williams will also represent him in this proceeding.

Several of the Las Vegas gambling casinos with connections with the Chicago, New York, Miami and West Coast underworld are represented by Williams. In various proceedings before grand juries and the like, Williams has been retained as either counsel or assistant counsel by representatives of the Sands, Desert Inn and Stardust Hotels of Las Vegas. He currently represents Ed Levinson of the Fremont Hotel in the civil suit filed by Levinson and the Fremont against the Central Telephone Company of Nevada. These hotels have close connections with La Cosa Nostra in that funds skimmed from the hotels are being funneled to members of this organization in Florida, New York, New Jersey and California.

Williams also represented Joseph "Doc" Stacher in the Internal Revenue Service case, which resulted in Stacher entering a guilty plea and voluntarily accepting deportation in lieu of a prison sentence. Stacher is the notorious West Coast hoodlum, who, although not a member of La Cosa Nostra, is closely associated with the leaders of that organization, in particular Gerardo Catena, acting "boss" of the Genovese "family" of La Cosa Nostra.

In addition to the above, Williams successfully represented Jimmy Hoffa in a 1957 bribery trial of Hoffa held in Washington, D. C.

The above represents a summary of the more important hoodlums represented by Williams over the past few years. It would clearly indicate that Williams is more and more becoming the La Cosa Nostra defense attorney. Williams, of course, has many other clients and occupies himself with participation in many bar association committees, where he is deeply involved in matters pertaining to law enforcement. As a result of his efforts as a defense attorney representing some of the major hoodlums in the United States, it can be safely assumed

in any redirection of criminal law considered by bar association groups Williams will stand beside those elements attempting to restrict law enforcement activities.

In the forthcoming appearance of Giancana before the grand jury in Chicago, scheduled now for the middle of May, 1965, it will undoubtedly become public knowledge that Williams represents Giancana, one of the most notorious of the leaders of La Cosa Nostra. This public knowledge may provide an opportunity for friendly news representatives to identify Williams for what he is, as a mouthpiece for La Cosa Nostra.

ACTION

It is recommended that favorable consideration be afforded to utilization of friendly news media to properly identify Williams in the public mind as a mouthpiece for La Cosa Nostra, when appropriate opportunity presents itself to do so.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
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Trotter
Tele. Room
Holmes
Gandy

TO : Mr. Belmont

DATE: March 17, 1965

FROM : J. H. Gale

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/5/02 BY SP5TC/AE
#941854

SUBJECT: RUBY KOLOD, ET AL.
ROBERT SUNSHINE - VICTIM
INTERSTATE TRANSPORTATION IN
AID OF RACKETEERING - EXTORTION

9 - Staff

William Hundley of the Organized Crime and Racketeering Section of the Department called this afternoon to confidentially advise that he had learned from Edward Bennett Williams that Williams intends to move to suppress the Government's evidence in the captioned Extortion case, which is now scheduled to come to trial on March 29, 1965.

According to Hundley, Williams maintains that prior microphone coverage of the Desert Inn constituted a violation of the attorney-client relationship in that Ruby Kolod, defendant in this matter, was represented by [redacted] of the Desert Inn, who is also an attorney.

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Hundley was advised that there was no basis in fact for this contention by Williams and that all the Bureau's evidence concerning this Extortion violation was obtained by investigation and through live informants. Hundley was also informed that this Bureau had never obtained any information concerning this matter through confidential coverage of the Desert Inn. Our confidential coverage of the Desert Inn was terminated on August 23, 1963, and we received the complaint in the Kolod matter on October 11, 1963.

Hundley was informed that, in addition to the fact that there is no tainted information on this matter in Bureau files, that [redacted] has admitted to Bureau Agents that he did not represent Ruby Kolod in this matter, and, therefore, Williams' contention of violation of attorney-client relationship was false from this additional standpoint.

By way of background, this case came to the Bureau's attention in October of 1963, when Robert Sunshine, accompanied by his attorney, contacted our Denver Office and informed that office that he had been threatened by "Milwaukee Phil" Alderisio and Americo DePietto, Chicago hoodlums, over a debt allegedly owed by Sunshine to Las Vegas gambler Israel Alderman and Ruby Kolod, an official of the Desert Inn in Las Vegas. The debt pertained to oil investments by Kolod and Alderman

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102 MAR 24 1965

1 MAR 23 1965

1 - Mr. DeLoach
1 - Mr. Belmont
1 - Mr. Gale
1 - Mr. McAndrews
1 - Mr. Stefanak

69 MAR 29 1965

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Memorandum to Mr. Belmont
Re: Ruby Kolod, Et Al.

with Sunshine, which investments proved unproductive. When Sunshine could not repay Kolod and Alderman, he was visited by DePietto and Alderman and threatened with bodily harm unless he paid the debt. At no time have we received any information over any confidential sources having any bearing on this matter.

Hundley stated that this was obviously a tactic by Williams to try to inject the discovery of the microphones in Las Vegas into this matter. In this connection, it will be recalled that in the civil suit brought by a Las Vegas casino against the Central Telephone Company of Nevada, that telephone company admitted its confidential relationship with this Bureau, which resulted in subpoenas of our Las Vegas personnel to also give depositions in that matter. The action of the telephone company followed a leak of confidential information from our reports by Department personnel, after dissemination of those reports to the Department.

According to Hundley, the Department intends to move to quash the subpoenas to Bureau personnel in the Las Vegas matter if Williams persists in going through with taking of depositions from our personnel there, which depositions are now scheduled for May 14, 1965. The Department also, according to Hundley, contemplates opposing Williams' efforts in Denver on the Kolod matter by indicating to the court that there was no attorney-client relationship between [redacted] of the Desert Inn and Ruby Kolod, and that no information had ever been obtained by the Government in the Kolod matter from other than live informants, investigative activity and the statement of the victim Robert Sunshine.

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ACTION

This matter is being followed closely and all pertinent developments will be brought to your attention. The Las Vegas and Denver Offices are aware of the foregoing.

OPTIONAL FORM NO. 10
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5010-106

UNITED STATES GOVERNMENT

Memorandum

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Gandy

TO : Mr. Felt

DATE: 3-9-65

FROM : H. L. Edwards

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/19/91 BY SP-1 Mac/bs

SUBJECT: AMERICAN BAR ASSOCIATION CRIMINAL JUSTICE ADVISORY COMMITTEE ON THE POLICE FUNCTION INITIAL MEETING, CHICAGO; MARCH 6, 1965

COVER SYNOPSIS - DETAILS ATTACHED. Committee met Saturday, 3-6-65, in Chairman Judge Austin's chambers, Chicago. Besides all members, James Vorenberg, Director, Office of Criminal Justice, attended. Decisions made re topics and priorities for police function study.

Austin said Committee would not duplicate studies of other groups in police field but would try to have voice in their recommendations. In line with this, Committee decide to exclude pre-arraignment topics which Vorenberg said he is handling under American Law Institute (ALI) study with view to developing model code for states. Vorenberg agree to make Austin Committee advisory group to ALI study. Edward Bennett Williams then recommended excluding recruitment, qualifications, training and tenure of police, saying he and most of Committee could contribute little to this. Over my strong objections, supported by Judge George Edwards, New York Police Commissioner Murphy, and Chairman Austin, Committee defeated Williams and gave high priority to this topic with understanding that Committee will not duplicate studies or work done by FBI, International Association of Chiefs of Police, or others. I gave Committee details of FBI police training and Director's long fight to professionalize police.

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Austin's Committee next decided to give priority to wire tapping and eavesdropping in view of widespread indications criminals use these tools and local law enforcement has been unable to get clear-cut authority. Williams proposed including mail covers; others wanted Polygraph added; Committee agreed. Committee deferred study of publicity in criminal cases since special American Bar Association committee already handling this.

In discussing whether Committee should consider problems facing police through inability to prosecute certain cases which prosecutors or judges might decline to entertain, Murphy made what I consider ill-advised statements in saying he didn't think local police had any problems with prosecutors. Murphy said he considers self chief law enforcement officer in New York City and although 5 district attorneys and some judges try to tell him and police how to run their business he and his men pay no attention. It seemed to me Murphy hurt law enforcement's image because Director for years has preached nee for cooperation and greater understanding between police, prosecutors, judges and public and Murphy's pompous statement created impression police are sacrosanct. Murphy made another statement indicating that prior to present strict requirements governing issuance of search warrants, police never bothered getting search warrants except in handful of cases and even then they didn't worry about having basic information now required. Impression he created was police had been "free wheeling" prior to Supreme Court's decisio and, in my opinion, gave certain Committee members ammunition to show that Supreme Court is fully justified in clamping down on police. I told Committee unquestionably some

HLE:mbk (7) Enc. 1 - Mr. DeLoach 1 - Mr. Casper 1 - Mr. Sullivan

prosecutors arbitrarily refuse to prosecute certain cases, some judges arbitrarily refuse to entertain some prosecutions, some police, prosecutors and judges are influenced or corrupt, and some police don't do a good job of making a prima facie case; whatever the cause, we must face the problem and formulate guidelines for corrective action.

Next Committee meeting probably April, 1965. In interim, staff members and individual committee members expected to do research and gather data.

RECOMMENDATION:

In view of importance of this study and demonstrated need to constantly protect our interest, I recommend we continue to actively and closely follow all phases of the police function study through membership in the Austin Committee, liaison with the American Law Institute study, through Training Division's liaison with the International Association of Chiefs of Police and through our connection with the President's Crime Committee and the Office of Criminal Justice.

I concur.

OPTIONAL FORM NO. 10 5010-106
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. Felt

DATE: March 8, 1965

FROM : H. L. Edwards

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/5/02 BY SP5TC/AE #94854

Limited Classification
Review Conducted
See Top Serial
Form 1-74

SUBJECT: AMERICAN BAR ASSOCIATION CRIMINAL JUSTICE ADVISORY COMMITTEE ON THE POLICE FUNCTION INITIAL MEETING, CHICAGO; MARCH 6, 1965

This is summary of pertinent matters covered at first meeting of the Advisory Committee on the Police Function (ACPF) which met all day Saturday, 3-6-65, in chambers of U. S. District Court Judge Richard B. Austin, Committee Chairman. Committee had 100% membership attendance, including U. S. Circuit Court Judge George C. Edwards, Jr., Edward Bennett Williams, New York Police Commissioner Michael J. Murphy. Also attending was Professor James Vorenberg, Director of the Office of Criminal Justice.

Purpose of initial meeting was to decide topics for Committee's study and setting priorities for same. Judge Austin announced that in view of broad field to be covered the Committee was adopting policy of avoiding duplication with other studies currently under way, and wherever possible Committee would endeavor to effectuate coordination or liaison with other studies in order to assure conclusions and recommendations resulting from such studies would be harmonious with over-all minimum standards for criminal justice. Austin then introduced Vorenberg who announced that he and Herbert Wechsler of Columbia Law School are in charge of an American Law Institute (ALI) study on pre-arraignment matters; objective is to develop a model code covering all matters from the first contact of the police with suspect to the arraignment stage. Model code will be submitted to states for proposed adoption to guide law enforcement in these matters. Vorenberg submitted outline of ALI project which covers (1) investigation of crime; (2) arrest; (3) initial disposition of arrested person(s); (4) commencement of proceedings; (5) preliminary hearing; (6) bail; (7) rules relating to interrogation, and (8) sanctions against police for violation of due process and like matters during investigation and arrest stages. Vorenberg stated ALI study will exclude electronic interception (wire tapping and eavesdropping). Austin committee agreed to exclude matters being covered by Vorenberg study provided Austin committee was given complete opportunity to review and pass upon all conclusions and recommendations resulting from ALI study in this area. Vorenberg agreed and has made all members of the Austin committee an advisory committee to the ALI study, stating that ALI will schedule a 3-day meeting, probably in Washington, D. C., 6/3-5/65, to review and discuss preliminary results of ALI study.

62-9889-

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102 MAR 19 1965

Austin committee next considered whether it should concern itself with recruitment, qualifications, training and tenure of police officers. Edward Bennett Williams proposed this entire subject be excluded stating that Austin committee had only 3 experts in this area (Inspector H. L. Edwards, Commissioner Michael J. Murphy, and Judge Edwards formerly Detroit Police Commissioner) and Williams felt he and remainder of committee had nothing to contribute to the subject. I immediately took issue with Williams contending the need for extending aid to police was one of the primary recommendations for the minimum

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1 - Mr. DeLoach
1 - Mr. Casper
1 - Mr. Sullivan

(CONTINUED OVER)

standards study; that too many lawyers turn their backs to problems besetting the police whereas the police had a crying need for understanding, assistance, and guidance in the light of numerous court decisions which highlighted and strengthened the criminals' rights but sacrificed and ignored the equally important rights of society and in many cases reflected a total disregard of the problems facing the officer on the beat who was expected to enforce the law but found his hands tied when the case reached the court. I told the Committee that in my opinion any lawyer with the national prominence Williams had as a defense criminal lawyer should certainly have something to contribute to guiding and helping the police. At this point Williams said, "You mean, Lynn, you want me to come over and join you people?" to which I replied, "Yes, if you think there is room for both of us." I also pointed out everything the Bureau does in the way of leadership in police training through the FBI National Academy, field police training and law enforcement conferences; the consistent fight of the Director over the years to strengthen local law enforcement, contribute to the professionalization of the police, and his fight against a national police force. I pointed out this is a need in which every lawyer should take an interest and certainly the ABA committee should lend its support to provide leadership in helping the police, contributing to increased public confidence, and one way they could help would be through providing minimum standards which would restore a proper balance between the rights of society and the criminal. Judge George Edwards strongly supported this viewpoint as did Commissioner Murphy, California Supreme Court Chief Justice Roger J. Traynor, former ABA President David F. Maxwell, and after further discussion the Committee agreed this area would be a most proper subject for the Committee's study and in fact one deserving top priority.

As an interest aside, during luncheon Williams was needling Judge Edwards for having supported me during the morning session. Williams said, "George, I can see where you have an entirely different philosophy now that you are on the Circuit Bench. I always thought you would be a Judge before whom I could bring a labor union case without hesitation but now I have 'grave doubts.'" To this, Judge Edwards replied, "Ed, I can see this is clever strategy on your part because if you make me feel that my philosophy in fact has changed I will want to lean over backwards if you ever come before me with a case so that I might prove to you that I haven't changed." Giving the devil his dues, the fact of the matter is that during the entire Committee meeting, Judge Edwards surprised me by strongly supporting all the help that could be given the police stating that during his 2 years as Detroit Police Commissioner his eyes were opened to the fact that law enforcement needs all the help it can get. Judge Edwards stated that the Bureau has done an excellent job in providing leadership and pointing the way to the need for up-grading the qualifications and training for the police but this is in fact a job for all segments of society to lend their support.

Austin's committee next decided to defer any study of entrapment, claiming this seldom was an issue in police actions. They decided to exclude search and seizure and interrogation because of the ALI study. The Austin committee next decided to include electronic interception in its study and to give it a high priority because of the alleged need of law enforcement to obtain helpful clarification of their rights and responsibilities in this area and because of wide-spread indications that the criminal element now makes extensive use of electronic devices to effectuate crimes and prevent detection. Edward Bennett Williams said he was neutral on whether the Committee should get into wire tapping and eavesdropping, but if it did, he felt it should also include a study of mail covers and the

use of the Polygraph. The Committee agreed that these investigative techniques should all be covered since there was no logical reason for excluding any single one.

Committee next decided to defer any study of publicity in criminal cases since a special ABA committee is now looking into this matter. Also, it will defer any inquiry into police dealings with mentally or physically ill and juveniles, in view of the greater priority needed for study of police recruitment, qualifications, training and tenure and electronic and related investigative techniques. b6 b7C

Final topic considered by Committee was whether any attention should be given to problems facing police as a result of inability to prosecute certain offenses or categories of crimes [redacted] who has been assisting in a study of local police problems, felt police face definite difficulties because of refusal of prosecutors to entertain prosecution in certain types of cases (example, adultery, certain homosexual offenses, etc.). Also, [redacted] said some judges have reprimanded police for bringing certain cases before them and have arbitrarily indicated they would throw any such cases out in the future. Judge Austin told [redacted] he didn't feel Committee should get into question of specific types of crime or specific statutes because it was well known that certain legislation was difficult to enforce because of local customs and public opinion make such laws unpopular. Commissioner Murphy surprised me by saying that he didn't think local police had any problems with prosecutors. Murphy said in New York City he considers himself (Murphy) the chief law enforcement officer and although it is a fact that the 5 district attorneys and some judges try to tell police what to do or refrain from discussing certain things, Murphy and his men pay no attention to them. Although the Committee laughed at this, to me it seemed Murphy hurt law enforcement's image seriously before this group because the Bureau for years has been preaching the need for cooperation and greater understanding between police, prosecutors, judges and the public, and Murphy's pompous statement left the impression that the police are a self-sufficient, sacrosanct group unto themselves. In fact, Murphy made another unfortunate comment in my opinion when we were discussing the need for search warrants since the decisions of recent years (Mapp v. Ohio, etc.). Murphy indicated that now the police must go to the judge and give him specific information before he will issue a search warrant; that in the past year they have applied for about 8,000 warrants with an average refusal of 20% because of insufficient justification. Murphy said prior to this change, the New York Police hadn't been required to obtain more than a handful.. of warrants since the search warrant statute was passed in the early 1800s and that even when they applied for one previously they could fabricate any facts in order to get it. The impression Murphy created was that the police had been completely "free wheeling" prior to the Supreme Court decision and Committee could have used his statement as an argument showing why the Supreme Court had been justified in clamping down on the police.

In answer to this question of whether the Committee should get into the area of problems confronting police in getting prosecutions, I pointed out I did not see how this matter could be ignored. I said there are many facets to this problem and in some cases prosecutors arbitrarily refuse to prosecute, in other cases they had been justified in enumerating a policy excluding certain categories of cases because of manpower consideration or work deserving greater attention. There were also judges who were unjustifiably arbitrary

or who may throw cases out because of prejudicial viewpoints. I also emphasized we could not ignore the fact that many difficulties in local prosecutions stemmed from factors of influence or corruption and this Committee would be ignoring its mandate if it closed its eyes to this problem. I said I felt the Committee should take cognizance of all possible factors creating problems in prosecutions and enumerate guidelines for the police which would enable the blame to be placed wherever it belonged and provide standards for corrective ation. At this point, the discussion stopped and the consensus was that the Committee will include this matter.

No definite date for the next Committee meeting has been set, but possibly it will be some time in April, 1965. In the meantime. the staff members of the Committee are going ahead with their research and gathering of data.

CONCLUSION: It seems obvious the work of this advisory committee is most important to law enforcement. At the same time, in view of the advisory committee's general policy to avoid duplication it is essential we keep abreast of the related studies going on, such as the ALI study, the work of the International Association of Chiefs of Police in the field of police training, recruitment and qualifications, the work of the President's Crime Committee, and any others. We must be constantly represented in these Committee sessions because it is obvious we cannot rely on others to represent our interests.

RECOMMENDATION: That the Bureau continue to actively and closely follow all phases of the study on the police function.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. FELT

DATE: January 6, 1965

FROM : H. L. EDWARDS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/3/1998 BY SP4-GTA/MLB #397667

SUBJECT: AMERICAN BAR ASSOCIATION'S SPECIAL COMMITTEE ON MINIMUM STANDARDS OF CRIMINAL JUSTICE

On 1/5/65 I met with Chief Judge J. Edward Lumbard of the U.S. Circuit Court of Appeals in New York to confidentially advise him of the background of 3 members of the 11-man advisory committee appointed by Lumbard to make recommendations for minimum standards in the field of the police function: U.S. District Judge Richard B. Austin of Chicago, Chairman of the advisory committee; U.S. Circuit Court Judge George C. Edwards, Jr., and Attorney Edward Bennett Williams, advisory committee members. Judge Lumbard is Chairman of the over-all ABA committee to formulate minimum standards for the administration of criminal justice. The advisory committee on police function is 1 of 5 advisory committees which will be making recommendations in five different areas of criminal law. Lumbard had no one else with him but I had SAC Winterrowd sit in with me.

I told Judge Lumbard the Director had viewed Lumbard's committee with great interest because the Director has been actively concerned over the years with strengthening and improving law enforcement but this study would be hopeless unless it was made by a balanced, objective group and unless it took special pains to insure that the rights of society were considered to an equal degree with the rights of the criminal. I then told Judge Lumbard that the Director had approved my serving on the advisory committee to study the police role, but only after assurance that there would be a preponderance of unbiased, objective members. I then mentioned that 3 members did not seem in this category. Lumbard was very happy to know the Director's interest. He said he had consulted the Director earlier and several individuals recommended by the Director had been appointed. Lumbard stated as Federal Judge and previously as U. S. Attorney he was aware of the tremendous good the Director has done for law enforcement and hoped that through me and any facilities the Bureau might have available the Director's vast experience would be made available for the committee study in all areas, although he felt the advisory committee on police was the most important.

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I then related confidential derogatory background information concerning Williams, Edwards and Austin. Lumbard stated Williams has been a member of the Criminal Law Section for years, has a nationally established reputation as a defense lawyer in criminal cases, and although he is inclined toward a civil libertarian and defense viewpoint Lumbard felt it essential to have such views on the committee to provide balance and insure that all viewpoints were represented. Lumbard has never met Judge Edwards but said he has discussed Edwards with several prominent members of the judiciary as a man who has been in private practice, on the bench, and who had served as Police Commissioner in the important city of Detroit. Lumbard said he learned Edwards had been [illegible] extremely [illegible] but this was during his younger days. He was told by people in Detroit that [illegible]

1 - Mr. DeLoach
1 - Mr. Casper
1 - Mr. Gale
1 - Mr. Rosen (Att: Mr. Scatterday)
HLE:mbk, wmj

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had done an effective job as Police Commissioner. He said Edwards had a reputation for being on the side of labor but here again he felt this would give the committee balance. Lumbard said he didn't know Edwards had spearheaded a denunciatory resolution against the Director following his ABA speech at Los Angeles in 1958. He ended his views on Edwards by saying that apparently Edwards' background was not too derogatory for he had been appointed to the U. S. Circuit Court of Appeals within the past year. I told Judge Lumbard we weren't objecting to the committee having balance, but our concern was that these 2 men would not entertain an objective viewpoint and might tend to sabotage the committee's work. Judge Lumbard said that he could not revoke their appointments now but he certainly would be alert to these 2 men in the light of the confidential information given him and he would insure, as Chairman of the over-all committee, that they would not foist any unbiased viewpoints on the committee.

Regarding Judge Austin, I was careful to limit the information given Lumbard to that obtained from other than highly confidential technical sources. I said Judge Austin had a reputation among our informants of being a bitter foe of law enforcement and he was not beyond approach for a "fix" to influence cases on which he sat as Judge; information indicated Judge Austin was beholden to racketeers in Chicago. Lumbard said this was the first derogatory information he had received concerning Judge Austin; that he did not know Austin personally, but his name had been highly recommended because Austin had been very instrumental in making noteworthy reforms and improvements in the criminal code of Illinois resulting in a model penal code about 2 years ago; also Austin had previously been in the State's Attorney's Office in Illinois and was reported to have prosecuted many criminal cases. Lumbard said not only were key people in Illinois complimentary of Austin but he also checked the ABA investigative report on Judge Austin in connection with his appointment as a Federal Judge in 1961 which had nothing derogatory in it. He asked whether this derogatory data had been supplied at the time Judge Austin was appointed to the Federal Bench. I told him some of it was in our report but most had come after his appointment.

Lumbard asked if we knew any case Austin had "fixed." I told him that we had some indication he was not completely impartial in the Hoffa trial in Chicago and also he had ruled favorably to Chicago Top Hoodlum Sam Giancano. I told Lumbard it was not known what the Department would do in the Hoffa matter because it was still pending appeal. I told Judge Lumbard he could well appreciate much of our information came from confidential informants and was not susceptible of open proof but if any of this information was ever sufficiently established concerning Judge Austin and resulted in public proceedings against him, this would stigmatize any ABA committee Judge Austin had chaired. Judge Lumbard said he wanted to discuss Austin's situation with ABA President Lewis Powell. He seemed to doubt anything could be done to remove Austin as Chairman, particularly because the information against him was based on confidential sources.

Lumbard ended by stating he was deeply appreciative the Director had seen fit to bring this information to his confidential attention. He felt the information made it all the more encouraging that the Director had made available an FBI official to serve on the staff. He assured me he would be grateful for any additional information at any time which might have a bearing on any of the committee members or the committee's deliberations. He promised to be especially alert to these questionable individuals because he

wanted to make certain that the committee's study and recommendations would be balanced and objective.

Judge Lumbard also said after the committee begins to actively function he hoped it would be possible for him (Lumbard) to meet with the Director in Washington and get the benefit of the Director's wisdom and experience. I told him I was sure the Director would be happy to meet with him if the Director was in Washington at such time as Lumbard had occasion to come to Washington.

Judge Lumbard also furnished me a copy of the membership on the other 4 advisory committees. The indices are separately being checked on these names and the results will be sent through in a supplemental memorandum.

It was my impression the meeting with Lumbard was beneficial. He now knows 3 of the 11 men on the Police Advisory Committee are highly questionable; also that the Director will be watching the work of this committee with keen interest. We will have our difficulties on the committee but should be able to provide the balance through the other members and in the event of any apparent bias against law enforcement by Austin, Edwards or Williams, we should be able to privately appeal to Lumbard as over-all Chairman and also to ABA President Lewis Powell.

ACTION:

Information.

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. [illegible]nt
1 - Mr. DeLoach
1 - Mr. Rosen
1 - Name Check Section

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TO : Mr. Rosen

DATE: November 2, 1962

FROM : G. H. Scatterday

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/19/91 BY SP-7[illegible]

SUBJECT: "WASHINGTON POST AND TIMES HERALD" AUTHORS LUNCHEON, OCTOBER 31, 1962

Reference is made to my memorandum captioned as above dated October 23, 1962.

My wife attended the above luncheon as indicated in referenced memorandum.

Edward Bennett Williams, Washington, D.C., attorney, was one of the two principal speakers. My wife advised me that Williams made no mention of the Director or the Bureau and made no critical remarks concerning them. The theme of his talk dealt with international relations pointing out that the United States is governed by laws - not men, while in the Soviet Union men with power are the Law. He commented that the United Nations was a court which was powerless to implement its judgment and indicated a world court would not solve the world's problems inasmuch as the Soviets would be represented by dedicated communists with whom we have no community of ideas. He further contrasted the two countries by pointing out that our moral code is based on God whom the Soviets reject.

He indicated the usual common denominator for settling problems was the Law, but there is no agreement between the two countries as to what constitutes "Law." He indicated the only hope for the world is to find the common denominator which he indicated should be the love of parents for their children which would prevent destruction of the world.

The other principal speaker was Art Buchwald, a satirical columnist who writes in the "Washington Post and Times Herald." Buchwald made no comments concerning the Director or the FBI.

ACTION

For information.

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1 - Mr. DeLoach
1 - Mr. Wick
1 - Mr. Rosen
1 - Mr. Sullivan
1 - Mr. Gale
1 - Mr. McAndrews
1 - Mr. Green

August 5, 1966

BY LIAISON

Honorable Marvin Watson
Special Assistant to the President
The White House
Washington, D. C.

Dear Mr. Watson:

I thought the President might be interested in knowing that Edward Bennett Williams, well-known Washington, D. C., attorney, during the past few years has represented individuals comprising the elite of the hoodlum hierarchy of the United States.

Over the past four years, Williams has represented, among other national criminal personalities, the following individuals who are actively engaged as leaders of La Cosa Nostra or who are closely affiliated with that nefarious criminal organization.

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Williams successfully represented Frank Costello of New York in deportation proceedings brought against him by the Government. At the time, Costello was the leader of the particular La Cosa Nostra group of which the late, notorious Lucky Luciano was the original leader prior to his conviction of compulsory prostitution charges and subsequent deportation to his native Italy. Costello was succeeded as leader of this La Cosa Nostra group by the even more notorious Vito Genovese, who was represented by Williams in an appeal from a narcotics conviction in arguments before the Circuit Court of Appeals and the United States Supreme Court. The latter court finally, in 1965, affirmed the conviction of Genovese, who is currently incarcerated at the United States Penitentiary in Leavenworth, Kansas, serving a 15-year sentence.

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In a bank robbery case involving [redacted] La Cosa Nostra member "Charlie the Blade" Tourine, Williams managed to have the case dropped. [redacted] is

NOTE: See memo J. H. Gale to DeLoach, captioned "Edward Bennett Williams," dated 8/5/66, CLG:djg.

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MAIL ROOM ☐ TELETYPE UNIT ☐

Delivered to Mildred Stegall on 8-5-66

the same individual who, with Marshall Caifano, Chicago La Cosa Nostra member, endeavored to extort money from millionaire gambler [redacted] in Las Vegas, Nevada, and was successfully tried and convicted for the offense.

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Williams successfully defended Felix "Milwaukee Phil" Alderisio in an extortion trial held in Miami, Florida, in 1964. Alderisio is one of the most vicious and notorious La Cosa Nostra members of the Chicago underworld. In April of 1965, Williams was attorney for the defense in the extortion trial brought against Alderisio, Ruby Kolod and Willie Alderman in Federal Court in Denver, Colorado. The last named two are prominent Las Vegas, Nevada, gambling casino figures and intimate associates of hoodlum Meyer Lansky, who controls many of those casinos behind the scenes. The trial in Denver resulted in conviction of all three. Williams, during the trial, allegedly represented only Ruby Kolod of the Desert Inn, Las Vegas, Nevada, but confidential information was obtained indicating that Williams took an active part in preparing Alderisio's defense. This case is now on appeal and Williams has been active in attempting to overturn the convictions on the grounds that evidence was illegally obtained by the Government. This case was based entirely on wholly legally admissible evidence.

Several of the Las Vegas gambling casinos with underworld connections in Chicago, New York, Miami and the West Coast have been represented by Williams. In various proceedings, Williams has been retained as either counsel or assistant counsel by representatives of the Sands, Desert Inn and Stardust Hotel casinos. He currently represents Edward Levinson of the Fremont Hotel in a civil suit filed by Levinson and the Fremont Hotel against FBI Agents and the telephone company. These casinos have close connections with La Cosa Nostra hoodlums throughout the country in that funds "skimmed" from the casinos are being funneled to members of the organization in Florida, New York, New Jersey and California. These are casinos dominated by the notorious hoodlum Meyer Lansky, who directs the distribution of the "skimmed" funds to various hoodlums, as well as into numbered bank accounts in Switzerland where they are deposited for his own benefit. Confidential sources have indicated that during his managership of the Fremont Hotel, Levinson regularly "skimmed" approximately $125,000 each month from the casino's gambling proceeds.

Williams also represented Joseph "Doc"Stacher in an Internal Revenue Service case, which resulted in Stacher entering a guilty plea and voluntarily accepting deportation rather than a prison sentence. Stacher is a notorious hoodlum originally from New Jersey who later located himself in California. Although not a member of La Cosa Nostra, Stacher is closely associated with the leaders of that organization, in particular Gerardo Catena, Newark, New Jersey, who is acting "boss" of the Vito Genovese La Cosa Nostra group. Catena is one of the hoodlums who has been regularly receiving "skimmed" funds from the Las Vegas gambling casinos controlled by Meyer Lansky.

In the Spring of 1965, when Samuel M. Giancana, La Cosa Nostra leader of Chicago's criminal underworld, was summoned before a Federal grand jury in New York City, Williams again appeared on the scene as counsel. He reappeared in connection with Giancana's interests in May of 1965 when Giancana was called before a Federal grand jury in Chicago. Despite Williams' efforts, Giancana was committed to the custody of the Attorney General for civil contempt.

In view of representation by Williams of so many notorious racketeering personalities and his prominent connection with other affairs in the District of Columbia, I felt that you might desire to bring this pattern of Williams' activities to the attention of the President.

Sincerely yours,

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. DeLoach
1 - Mr. Gale

Tolson
DeLoach
Mohr
Wick
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : MR. TOLSON

DATE: August 4, 1966

FROM : C. D. DE LOACH

1 - Mr. Wick
1 - Mr. McAndrews

SUBJECT: SENATOR EDWARD V. LONG (D. - MISSOURI) INTERVIEWS WITH THE PRESIDENT AND COLUMNIST MARQUIS CHILDS

EDWARD BENNETT WILLIAMS

Senator Ed Long called at 11:00 a.m. this morning. He wanted to let us know in confidence that the President had called him down to the White House yesterday. During the conversation, the President asked Long why he had not publicly released a copy of the memorandum which Mortimer Caplin, head of Internal Revenue in 1961, had sent to Bobby Kennedy while he was Attorney General. The President stated that it was quite important that this memorandum be given out. Long stated he told the President that he was just as anxious to embarrass Kennedy as was the President and that the memorandum would very definitely be given out at some public hearing in the future.

Long stated that while he was in with the President he showed the President a couple of microphones which had been concealed in aspirin tablets. The President was very intrigued and asked to examine one.

Long also told me that columnist Marquis Childs had been in to see him last week. Childs told Long that he wanted to know why Long's Committee had not held hearings regarding the FBI's usage of microphones in Las Vegas. Long replied to Childs that the FBI had been very decent and honest with him and his Committee and that he had no intention whatsoever of holding hearings concerning the FBI. Long told me that he also mentioned to Childs that he had no intentions of embarrassing the FBI at a time when such hearings would be of great assistance to Edward Bennett Williams in winning a law suit for his client, Levinson.

Childs thought the matter over for a moment and told Long that after getting the facts he thoroughly understood the situation. He stated that he agreed with Long that hearings concerning the FBI should not be held.

ACTION:

62-98896-

For record purposes.

NOT RECORDED

AUG 12 1966

51 AUG 22 1966

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(5)

CRIME RESEARCH

AUG 31 1966

ORIGINAL FILED IN 62-99621-

June 8, 1966

MEMORANDUM FOR MR. TOLSON
MR. DE LOACH
MR. GALE
MR. WICK
MR. SULLIVAN

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/5/02 BY SP5JC/AE #94/854

On May 31, 1966, I saw Judge Edward M. Curran. Judge Curran informed me that on the previous Sunday he had attended a cocktail party at the home of Edward Bennett Williams, the Washington attorney. He stated he arrived a little ahead of most of the guests and though some had already arrived, Williams was making a statement to a half dozen or more persons to the effect that he had traveled to New York on a recent occasion with former Attorney General Kennedy and that they both discussed the recent memorandum filed by the Solicitor General before the Supreme Court in connection with the microphone coverage in the Black Case. Williams stated to those to whom he was talking that Kennedy had informed him that he, Kennedy, had never had any knowledge that the Bureau was using any electronic devices in connection with its work and that he, Kennedy, had as a so-called ace card the assurance of former Assistant Director Courtney Evans, who had been the liaison representative with the Attorney General for the Bureau, and that Mr. Evans had indicated that he, Mr. Kennedy, had never been advised of the use of microphone coverage in any cases.

Williams seemed to be particularly gleeful because he believed this placed the Director of the Bureau in a most embarrassing position and placed the entire onus for the use of microphones on the Director of the Bureau.

I told Judge Curran that the statement made by former Attorney General Kennedy was absolutely untrue and that the statements attributed to former Assistant Director Courtney Evans were absolutely untrue in that we had written documentary proof in a number of memoranda dictated by Evans which, in turn, were transmitted to the Attorney General advising him of the use of microphone coverage as one of the techniques used by the Bureau in its war against organized crime. I told Judge Curran that the Attorney General

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62-98896
NOT RECORDED
145 JUN 10 1966

JEH:EDM (9)

11 JUN 10 1966

SENT FROM D. O.
TIME 9:42 AM
DATE 6-9-66
BY

MAIL ROOM TELETYPE UNIT

57 JUN 21 1966

ORIGINAL FILED IN 62-61170-326

June 3, 1966

Memorandum for Messrs. Tolson, DeLoach, Gale, Wick, Sullivan

had on one occasion expressed his pleasure that the Bureau was using microphones in its campaign against organized crime and that the Attorney General had, in fact, signed a memorandum in his own handwriting authorizing the use of such microphones.

Judge Curran expressed amazement that former Attorney General Kennedy and former Assistant Director Evans would be making such statements when the written record completely disproved the statements made.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. DeLoach

DATE: January 5, 1966

FROM : J. H. Gale

SUBJECT: EDWARD LEVINSON
ET AL.
MISCELLANEOUS
CIVIL SUIT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/19/91 BY SP-1 mac/pbs

In the DeLoach to Mr. Tolson memorandum of December 28, 1965, captioned "Leased Line Microphones - Las Vegas, Request by Edward Bennett Williams of the Attorney General" details were set forth concerning a meeting between Mr. DeLoach and the Attorney General in which the civil suit brought against Agent personnel of our Las Vegas Office was discussed.

During that meeting, the Attorney General advised that Edward Bennett Williams, who represents Levinson and the Fremont Hotel as well as other Las Vegas casino owners, had indicated that one of the conditions for dropping this and any other civil litigation was that he be permitted to review information obtained through our microphone coverage in Las Vegas.

It was recommended and approved by the Director that the logs of our microphone coverage in Las Vegas be transmitted to the Bureau for review, upon completion of which a memorandum could be prepared for the Attorney General summarizing the disadvantages involved in furnishing information from our sources to Edward Bennett Williams. In that same memorandum, it was reported that the Attorney General had indicated a desire for Departmental attorneys to review the logs of our Las Vegas coverage in order to be in possession of total information in the event it was necessary to defend the civil suit in Las Vegas.

Enc. - Sent 1-6-66

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Gale
1 - Mr. McAndrews
1 - Mr. P. J. Mohr

5 JAN 12 1966

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46 JAN 14 1966

69 JAN 19 1966

PERS. REC. UNIT

ORIGINAL FILED IN 62-110437-19

Memorandum to Mr. DeLoach
RE: EDWARD LEVINSON

In accordance with the Director's approval, the Las Vegas Office transmitted these logs to the Bureau, where they were received on the morning of January 3, 1966. Personnel of the Criminal Intelligence and Organized Crime Section have reviewed these logs and on the basis of available information there does not appear to be anything in the logs which would have any bearing on any criminal action presently pending by the Department against the individuals involved in this coverage. The logs do report extensive information concerning skimming operations, personalities involved in these operations, hoodlum infiltration of Las Vegas casinos and efforts on the part of casino owners to insure the election of state officials, well disposed to the Nevada gambling casinos.

Edward Bennett Williams, of course, in offering to settle this suit in exchange for a review of these logs is on a fishing expedition to determine the extent of the information developed by the Bureau through these sources. He does represent or has represented most notorious hoodlum figures in this country, including Joe Stacher, Sam Giancana, Milwaukee Phil Alderisio, Vito Genovese, Frank Costello and such other personalities as Bobby Baker, James Hoffa and of course the casino owners in Las Vegas. We feel, therefore, that even though Williams might succeed in obtaining a review of these logs by persisting in the civil action or other criminal actions brought against his clients, that we should not volunteer this information to him. We do feel that the Department has a legitimate reason in requesting the opportunity to review these logs in order to fully represent the Bureau in this matter in Las Vegas. With the Director's permission certain of these logs have been previously reviewed by the Department in connection with the contemplated criminal action against Bobby Baker.

ACTION:

There is attached for approval a memorandum to the Attorney General outlining the disadvantages of making available information obtained by our Las Vegas sources to Edward Bennett Williams and advising the Attorney General that

over

Memorandum to Mr. DeLoach
RE: EDWARD LEVINSON

we have here at the Seat of Government the logs reporting the results in Las Vegas which can be available for review by the Department in the event the Department desires to conduct such a review.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. DeLoach

DATE: February 16, 1966

FROM : J. H. Gale

SUBJECT: EDWARD LEVINSON
ET AL.
MISCELLANEOUS - CIVIL SUIT

Edward Bennett Williams

William Hundley of the Organized Crime and Racketeering Section of the Department called this morning to advise that an agreement had been reached whereby motions to dismiss this civil suit against telephone company and FBI personnel in Las Vegas had been continued by agreement of counsel from February 18, 1966, to March 18, 1966.

ACTION:

Our Las Vegas office has been advised of this.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/19/91 BY SP-7 mac/ps

Williams is planning a "call on mayor" Dept.

1 - Mr. DeLoach
1 - Mr. Mohr
1 - Mr. Rosen
1 - Mr. Gale
1 - Mr. McAndrews
1 - Mr. P. J. Mohr

McA:tjm
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3 FEB 18 1966

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40 FEB 18 1966

ORIGINAL FILED IN

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - DeLoach
1 - Gale
1 - Rosen
1 - McAndrews

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TO : MR. TOLSON

DATE: December 28, 1965

FROM : C. D. DeLOACH

Limited Classification Review Conducted See Top Serial Form 4/74

SUBJECT: LEASED LINE MICROPHONES - LAS VEGAS
REQUEST BY EDWARD BENNETT WILLIAMS
OF THE ATTORNEY GENERAL

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When Inspector Malley and I were discussing the matter of informant [redacted] with the Attorney General at 9 a.m. this morning in his office, following our rather heated discussion the Attorney General sought to change the subject to other matters.

He said that Edward Bennett Williams had called upon an assistant to discuss the matter of the civil suit brought by Edward Levinson in Las Vegas against personnel of our office in that city. The Attorney General indicated that Williams pointedly told the Departmental representative that he was now willing to drop this suit and all other suits involving the subject of leased line microphones; however, there would be conditions attached. One of the principal conditions involved, according to the Attorney General, was the fact that Williams would be given, for personal review purposes, the tapes which were made in Las Vegas. The Attorney General stated he was undecided as to what action to take in this matter. He stated that obviously Williams would obtain this information anyway, if the current case was brought to trial.

I asked the Attorney General if he didn't feel that Edward Bennett Williams was bluffing. I told him it seemed to me that we held all the cards in this deal and that Williams was seeking a graceful way out, at the same time attempting to take advantage of anything the Department would give him. The Attorney General replied that he didn't know. He stated the possibility that Williams might win this suit, in that event Williams would not only be victorious in the suit but additionally would obtain the information he is seeking. I asked the Attorney General if Williams would risk embarrassing his clients by having them go to court in this matter. The point was raised that the minute the Government attempted to take depositions from people like Levinson, it would appear that Williams and Levinson would back down because they couldn't afford to reveal the very damaging information they could be asked. The Attorney General stated this might be true, however, the plaintiff, Levinson in this case, is always given wide latitude by the courts in answering depositions. In other words, the court might decide that some of the questions raised would not have to be answered by Levinson.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3/5/02 BY

ORIGINAL FILED IN 63-11043-18

CDD:hmm

62-98826-

NOT RECORDED
46 JAN 14 1966

SENT DIRECTOR
12-28-65

57 JAN 20 1966

DeLOACH TO TOLSON
RE: LEASED LINE MICROPHONES - LAS VEGAS

The Attorney General stated that, of course, the Department would not have any of the information in its files that was taken from the Las Vegas leased line microphones. I told him he was wrong, that the Department had considerable of this information up until the time that a "leak" had occurred and we had found it necessary to restrict such information. The Attorney General stated that Hundley (William Hundley of the Organized Crime Section) could not recognize whether such information had come from leased line microphones. I told the Attorney General this wasn't correct, that obviously Hundley knew where such information was coming from and as a matter of fact at the recent U. S. Attorney's Conference one of the U. S. Attorneys inquired as to why certain types of information were not being furnished to the U. S. Attorneys when orginally it had been. The Attorney General stated he did not know this.

The Attorney General indicated he would appreciate the FBI reviewing the tapes and files and advising him of an opinion as to whether or not such information, if it were given to Edward Bennett Williams, would be injurious. I told him there was no doubt in my mind, without a current review of the files, it would be dangerous to give such information to Williams. The Attorney General again stated he did not know the answer to this question.

The Attorney General stated he wanted us to know that there apparently had been a "leak" inasmuch as Williams had full knowledge of the identities of the FBI Agents who had made arrangements for the leased line microphones. While the Attorney General did not state so, he inferred that the telephone company personnel had furnished this information. The Attorney General also added that it had been rumored that possibly FBI Agents had coached or advised telephone company personnel to the extent that they committed perjury while giving depositions in connection with a previous civil suit. I told the Attorney General, at this point, that this obviously was incorrect and that our Agents would not conduct themselves in such a manner. The Attorney General again stated he would appreciate a review of the tapes and files in connection with the Las Vegas leased line microphones and an opinion from the FBI ~~regarding an opinion~~ as to furnishing such information to Williams. I told him we would take the matter into consideration.

We should consider this problem from several angles. If we indicate to the Attorney General that the FBI sees no objections to furnishing information to Williams this will be dangerous from several standpoints:(1) it will establish a very dangerous precedent of furnishing vital confidential information and investigative techniques to an unscrupulous defense attorney; (2) Williams

represents many of the major hoodlums including such as Sam Giancana, Vito Genovese, Frank Costello, Ed Levinson, all the casino owners in Las Vegas and such personalities as Bobby Baker. Consequently, he would use this material for the purposes of defending these individuals in future suits filed against them. There is no question but that Williams and the gambling casino operators have desired for some time to know just what the FBI has concerning their operations. This, of course, would give them the perfect opening.

The obvious answer to the Department is in the negative. We should advise the Department that a thorough review of our tapes and files has been made and that we strongly feel that Williams should not be given such information. The Department, of course, can use this determination on our part to weakly reply that they have no alternative but to go ahead with the suit in Las Vegas which has been filed against our personnel. We think, however, that this must be faced up to. The Department, obviously, can overcome this suit and have it withdrawn if they stand up to Williams and flatly tell him the Government intends to take depositions from his clients.

In accordance with the Director's instructions to me telephonically on 12/28/65, instructions have been issued to the Special Investigative Division to completely review this matter including the logs, tapes and files in question, and then prepare a memorandum to the Attorney General indicating the inadvisability of furnishing such information to Williams.

It should be noted in this memorandum that William Hundley, Chief of the Organized Crime Section of the Department, called Mr. McAndrews of the Bureau today and stated that in handling the civil suit the Attorney General had told Hundley that he felt the Department should review the complete logs covering information received from our microphone coverage in Las Vegas in order to be in possession of total information for defense purposes. Hundley requested that we obtain the logs from Las Vegas so that this review by Departmental officials could be conducted. No commitment was made to Hundley in this regard.

On the basis of Hundley's statement, and based upon my conversation with the Attorney General, it is believed that we should turn over to the Department for review purposes the logs in question.

ACTION:

(1) That, as indicated above, the Special Investigative Division review tapes, files and all information pertaining to

DeLOACH TO TOLSON
RE: LEASED LINE MICROPHONES - LAS VEGAS

Las Vegas leased line microphones and summarize in memorandum form the basic points (a) the danger involved in furnishing such information to Edward Bennett Williams, (b) any information contained therein which might represent "tainted evidence." The latter is being brought up in view of the fact that if the Department would obtain all such information it might later refuse to prosecute cases on the basis of information obtained by the FBI was done so in an illegal manner.

Yes

2. A memorandum should be prepared to the Attorney General carefully summarizing the disadvantages involved in furnishing such information to Edward Bennett Williams.

Yes

3. The Department has a valid reason for requesting the logs based upon microphone information. In the past, however, the Department has reviewed similar logs in FBI space. The same policy should hold true in this case. Memoranda for the record will be submitted concerning such reviews. The logs currently are in Las Vegas and, if the Director agrees, instructions will be issued immediately to that office to have those logs shipped in the regular mail pouch to FBI Headquarters.

Yes

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

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Holmes
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TO : Mr. Belmont

DATE: November 3, 1965

FROM : J. H. Gale

SUBJECT: EDWARD LEVINSON
EDWARD TORRES
ANTI-RACKETEERING

Levinson is the President of the Freemont Hotel and Casino in Las Vegas and Edward Torres is associated with the Riveria Hotel and Casino in Las Vegas as a major official of that hotel. It was our microphone coverage of the Freemont Hotel which revealed extensive skimming operations out of Las Vegas that was finally compromised after we disseminated this information by report to the Department in 1963.

Referral/Direct

[redacted]

ORIGINAL FILED IN 92-8329

The purpose of Williams' and [redacted] visit was to discuss this tax case in the course of which [redacted] stated that he was aware of the fact that microphone coverage had been in existence in various casinos in Las Vegas and he was confident that the FBI had not disseminated any information from these

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1 - Mr. Belmont
1 - Mr. DeLoach
1 - Mr. Gale
1 - Mr. McAndrews
1 - Mr. Kelly

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DATE 3/5/02 BY SP5JC/AE
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CONTINUED - OVER

6 NOV 10 1965

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102 NOV 12 1965

5 NOV 12 1965

Memorandum to Mr. Belmont
RE: EDWARD LEVINSON
EDWARD TORRES

Referral/Direct

microphones to [redacted] giving rise to the present tax case against Levinson and Torres. (This is true.)

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According to [redacted] he believed that as a result of microphones the Bureau developed complete information of the skimming of funds from these hoodlum dominated casinos and the channeling of those funds to hoodlums in Florida and the Newark and New York area. [redacted] stated that he was confident that upon the receipt of such information that knowing the Bureau, reports would have been prepared and sent to the Department which was correlating information on organized crime personalities.

It was [redacted] theory that following the receipt of this information which established the truth of the skimming operations that Departmental officials, not named but presumably the Attorney General, had dispatched [redacted]

[redacted]

Referral/Direct

ACTION:

In the event additional information is received in this connection, you will be promptly advised.

Williams is using his usual tactics trying to scare the D[illegible] will no doubt get away with it.

EHC

[illegible]

- 2 -